

**SACREDNESS AND CONSULTATION:  
AN INTERPRETATION OF THE CORONATION HILL  
DISPUTE**

**A thesis submitted for the degree of Doctor of Philosophy of The Australian  
National University**

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## Statement

I declare that this thesis is my own work and has not been submitted in any form for a degree or diploma at any other university or institution of tertiary education. Where material has been obtained from other sources, they are acknowledged in the text.

A handwritten signature in dark ink, appearing to read 'R. Levitus', with a stylized flourish at the end.

Robert Levitus

December 2003

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*luchshe pozdno chem nikogda.*



## Abstract

Coronation Hill, located in the Top End of the Northern Territory and now inside Kakadu National Park, was the site of what became a major national dispute involving a mining company, the local Jawoyn Aboriginal people, two Aboriginal organisations and the conservation movement in the years 1985–91. The issue arose from the discovery of a mineral deposit there in 1984, and the registration of a sacred site that included most of the hill in late 1985. My thesis deals mainly with events in the first half of that six-year period, during which management processes intended to find informed compromise gave way to non-negotiable political dispute.

The problem around which the thesis is constructed is that of understanding a long record of self-contradictory decisions and testimony produced by two of the three senior male Jawoyn custodians of the area, as well as by a number of other senior Jawoyn, regarding the status of Coronation Hill as a sacred site and the acceptability of the mining proposal. Drawing on Erving Goffman and Kenneth Burke, I propose a dramaturgical approach that treats separate consultation events as theatres. This approach accepts that the contradictions were real, not just apparent, and attempts not to resolve them, but to give an account of the conditions that generated them. That account refers at one level to the internal dynamics of the theatres themselves, and at another level to the way in which different kinds of theatre articulated with particular themes in Jawoyn history.

The thesis then considers the implications of theatricality for management of the issue by three external organisations. Beginning with their reliance on the policy assumption of an authoritative Aboriginal centre, I show how each organisation drew, from its own experience of the Jawoyn, validation for a view of the issue that was at odds with those of the other organisations. I then trace the progress of events through a combination of the rise to managerial prominence of the Northern Land Council and the continuation of Jawoyn theatricality. These, I argue, led to two

opposed, self-sustaining and involuted liaison relationships between external organisations and the Jawoyn, which manifested themselves publicly in the form of overt political dispute.

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## **PART 1**

### **INTRODUCTION AND BACKGROUND**

#### **Chapter 1 Introduction: From Policy to Academia**

#### **Chapter 2 Background: the Gimbat Area**

## **CHAPTER 1**

### **INTRODUCTION: FROM POLICY TO ACADEMIA**

#### **The request to register Sickness Country**

Aboriginal affairs over recent decades have been punctuated by disputes over development projects proposed in the vicinity of places said to be sacred by local Aboriginal people. Noonkanbah, Coronation Hill and Hindmarsh Island are only the better known of these. The management of such conflicts has proven difficult and contentious for the public policy process. Where they have not been resolved in the short run by political fiat, they have been referred to lengthy, and sometimes sequential, inquiries that have adopted the approach of trying to empirically determine the reality of the religious values claimed by indigenous custodians to reside at the place in question. My introduction to the Coronation Hill issue occurred in the context of such an inquiry.

In September 1989, I was offered a consultancy by the Aboriginal Areas Protection Authority, a statutory authority of the Northern Territory Government, to provide a report on an application, received from some senior men of the Jawoyn language group, to have an area known as Sickness Country registered by the Authority as a sacred site. The area involved was unusual in two respects. Of roughly 2500 square kilometres, it was much larger than almost all other sites on the Authority's Register, most of which were places rather than tracts of country, and much larger also than what was conventionally regarded, both in the popular mind and by many involved in site protection policy and practice, as appropriate for legal recognition under sacred sites legislation. Also, within this area were located proven and prospective mineral resources and mining tenements. Proposals to explore for and develop these resources by a consortium of companies known as the Coronation Hill Joint Venture (CHJV) had, by the time of my involvement, become the object

of intense political dispute at local and national levels. The application to have the area entered on the register of sacred sites was itself a move by some of the parties to that dispute, by which they aimed to impose a restraint upon any further development. If the Authority registered it, such registration would constitute prima evidence of sacredness before all courts, and all future non-Aboriginal activity at any location in that area would have first to be agreed to by those Aborigines identified as the senior custodians for the site<sup>1</sup>.

The terms of the consultancy required me to consider the history, especially the recent history, of Aboriginal perceptions of Sickness Country. The Aboriginal Areas Protection Authority, charged with responsibility to identify, document, register and protect Aboriginal sacred sites in the Northern Territory, had, in its former guise as the Aboriginal Sacred Sites Protection Authority, been an important player in that recent history. Over the preceding four years, since late 1985, its officers had frequently sought information and instructions from senior Aborigines on two matters, broadly conceived. One was the location and significance of sacred sites, or more generally, the nature and distribution in that area of powerful and dangerous forces present since the creation era, and whether the custodians of places where such forces were immanent wished to have those places registered. Several parts of Sickness Country had already been registered. The largest such registered site was named the Upper South Alligator Bula Complex and included, just inside its north-eastern boundary, Coronation Hill (Map 5). The other matter was the willingness of local Aborigines, and specifically the custodians of registered sites, to allow mining exploration and development to take place in the vicinity of the sites. In carrying out the former function, Authority officers had organised field trips with a number of senior Aboriginal men to locate and record stories for sites in many parts of Sickness Country, and for the latter, they had convened or attended a series of consultations and meetings which had

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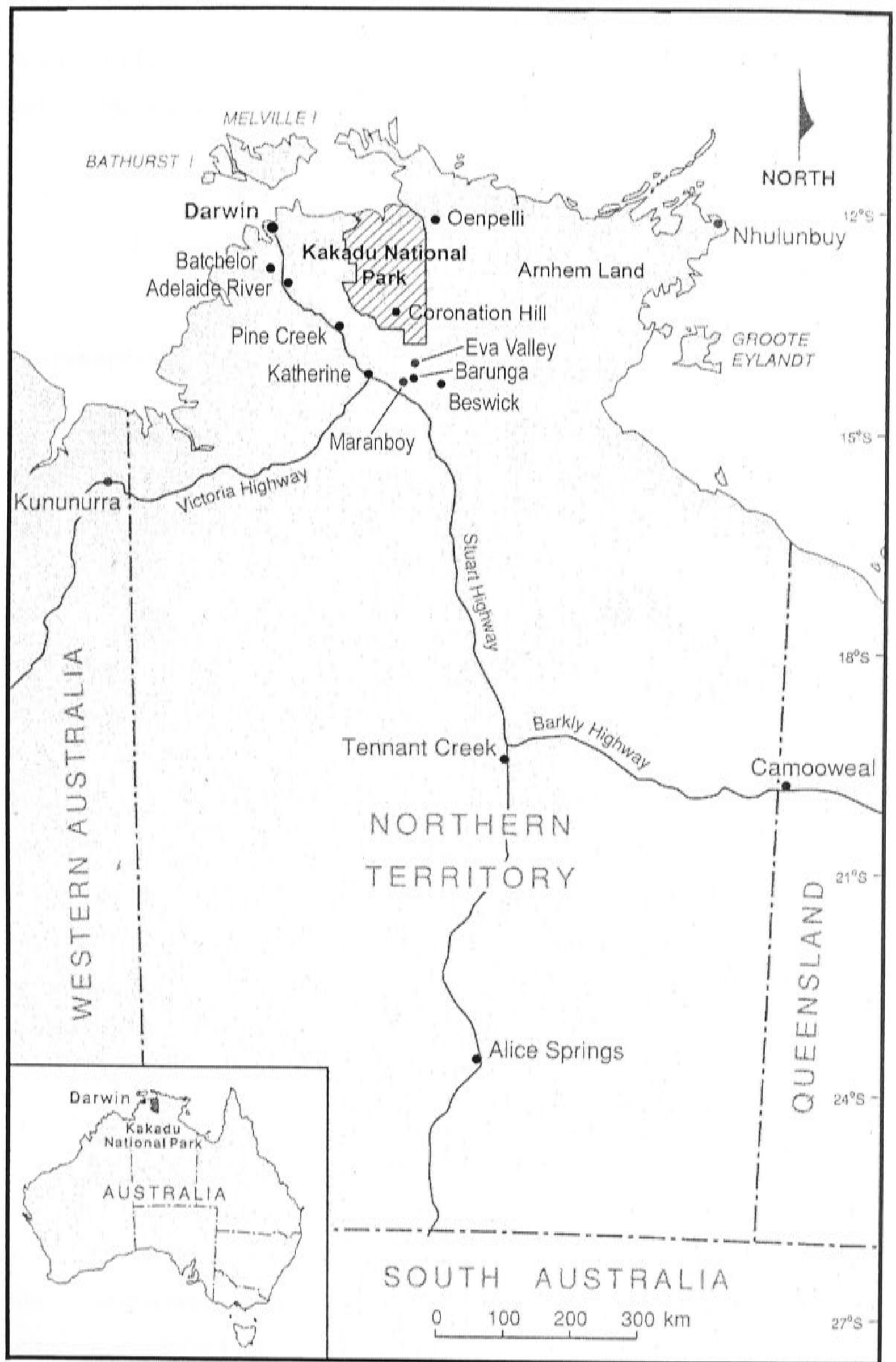
<sup>1</sup> Northern Territory Aboriginal Sacred Sites Act 1989, sections 22, 45.



addressed, and on several occasions approved, proposals for development works at Coronation Hill.

While Sickness Country was being proposed as a single sacred site, the ethnography that could be called upon to substantiate that status showed different degrees of sacredness within its total area. In particular, knowledgeable Aborigines regarded several locations as of the utmost sensitivity and danger because the creator figure Bula had gone underground there. The slightest disturbance of those places threatened natural catastrophes of world-destructive dimensions. A number of other concepts were invoked — zones of influence around these underground resting places, underground sensory connections between them, random distribution of a bodily essence left during Bula's hunting activity around the landscape, motifs said to have been painted by Bula at several galleries — that distributed Bula's presence and danger across the region in varying degrees. Another creator being, the Rainbow Serpent, added its own sense of power at some of these places. Coronation Hill itself had been attributed some particular Bula-related significances in the testimony recorded to this time, but while the ultimate danger arising from undue disturbance had been said on some occasions to be apocalyptic, human activity there did not involve the same order of sensitivity as at those major 'focal' sites where Bula himself was considered to be.

Rather, the status of Coronation Hill and that of Sickness Country as an entire site were mutually dependent. Aboriginal perceptions as to the sensitivity of Coronation Hill were motivated by its location within the general area of Sickness Country. If the custodians opposed development at Coronation Hill because it was part of such a generally sensitive landscape, then that would have a bearing upon the question of the degree of protection appropriate across those large stretches of Sickness Country between and around the focal sites, and would confirm the status of Sickness Country as a single unified area of sacredness and danger. If Sickness Country were registered as a sacred site, the objection to mining would be legally prohibitive of any activity aimed at locating and recovering valuable minerals



**Map 1:** Kakadu National Park and Coronation Hill—general location (adapted from Press et al. 1995: vi)



anywhere within the site. Conversely, permissions granted by Aboriginal custodians for development works to proceed at Coronation Hill had the opposite implication. If the custodians considered that mining could proceed there safely, then the integrity of the larger area marked out as Sickness Country by the Authority would be open to question.

### **Government decisions**

Policy developments caused my consultancy project to be postponed and my efforts re-directed. In 1987 the Federal Government had declared Stage III of Kakadu National Park, thereby expanding the Park to the south to include two pastoral stations, Goodparla and Gimbat (Map 2). About one-third of that area had been reserved for mineral exploration for five years, and called the Kakadu Conservation Zone. The south-eastern half of the Conservation Zone, roughly the part located within the former boundaries of Gimbat, also lay within the area tentatively identified by the Aboriginal Areas Protection Authority as Sickness Country. In October 1989, with no further exploration tenements yet allocated, the Federal Government took two major decisions. Approaching an election, Prime Minister Hawke was persuaded to secure the green vote by incorporating most of the Conservation Zone into the surrounding Kakadu National Park, thereby reneging on the promised five-year mineral exploration period (Ramsey 1989). The Conservation Zone was reduced to a remnant 47.5 square kilometres which now lay entirely within Sickness Country, and still included Coronation Hill and another promising prospect, El Sherana.

The Government further decided to institute two inquiries. The first of these was an inquiry into the resources of the reduced Kakadu Conservation Zone by the Resource Assessment Commission (RAC), a body established by the Federal Government to advise it on complex issues of resource management in Australia. The second was a concurrent inquiry, conducted by the same judge that chaired the Commission, into another application for official recognition of the sacredness of

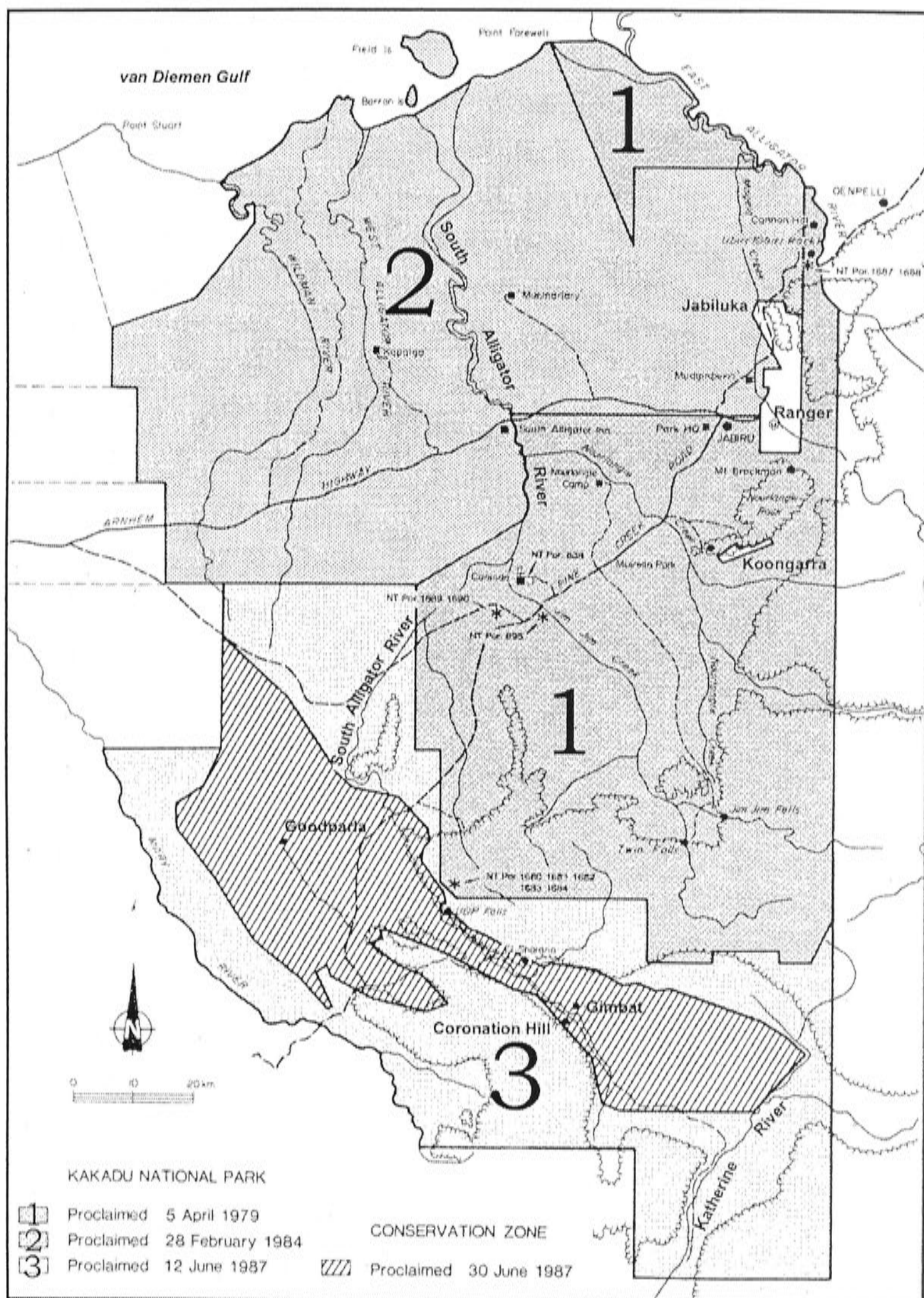


the area. This was made by the Northern Land Council to the Minister for Aboriginal Affairs for a declaration protecting the Sickness Country under s.10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. This latter application could not be granted unless it was shown that the Northern Territory's own legislation had been ineffective in protecting the area, and that would not be known until my own report was complete and considered by the Authority, but the Minister decided that he would seek a report of his own in order that he could act quickly if necessary. These two new Federal inquiries, and the new wave of research that they would bring upon the Jawoyn and the Conservation Zone and surrounding country, meant that my site registration report to the Authority would have to be delayed. The Authority instead asked me to assist in preparing its submission to these inquiries. This was to be an analysis of the historical background to the question of sacredness within Sickness Country and at Coronation Hill (Levitus 1990). My discussion there of the documented history of Aboriginal concerns over disturbance in that area, and of the record of testimony regarding Coronation Hill, was only one of a number of submissions to the Inquiries that addressed those subjects.

### **Sources and issues**

My research began in mid 1990. The Authority's records of a lengthy sequence of site documentation and consultation exercises included many statements by senior Aborigines regarding the mythological significance of the area as a whole and of many places within it, and the allowable limits of disturbance by human activity. Most detailed was the recording of Aboriginal views regarding the status of Coronation Hill as a site, and the acceptability of the mining works proposed for it. I discussed with Authority officers, especially the Chief Executive Officer David Ritchie, and Research Officer David Cooper, their experience and views of these matters, and began field interviews with Aborigines who had travelled or worked in Sickness Country, including the three senior Jawoyn men who had throughout the issue been recognised as principal custodians for sites in that area, Peter Jatbula,





**Map 2:** Kakadu National Park - stages of declaration with original Conservation Zone (adapted from SSCERA 1988: 2)



Sandy Barraway and Nipper Brown. I sought out whites with relevant experience: Joe Fisher, famous in the Territory for his management of uranium exploration and mining in the area during the 1950s and 1960s; Joe Callanan, the son of the former owner of the pastoral station, Gimbat, that had covered almost all of Sickness Country; Bob Ellis, former Director of the Aboriginal Sacred Sites Protection Authority; and National Parks staff who had managed the area since its partial inclusion in Kakadu National Park in 1987 (Map 2). In addition, an earlier history of more occasional research into Aboriginal concerns over sites and development was available in the form of two articles published in 1962 and 1966 in the journal *Oceania* by the agronomist and amateur anthropologist Walter Arndt, and subsequent reports by patrol and welfare officers.

From all these sources, two inter-related issues emerged for analysis within the consultancy, and later became the genesis of this thesis. One was the status of Sickness Country as a site for registration. The application proposed the notion of a very large and unified area of sacredness and danger that, to satisfy the definitional provisions imported into the Aboriginal Sacred Sites Act (NT) from the Aboriginal Land Rights (NT) Act (s.3), had to have been regarded as such within Aboriginal tradition. The degree of antiquity of belief that needed to be shown was unspecified within the Act. However, intense political discord and suspicion over the issue of mining at Coronation Hill, and a background of populist cynicism, most crudely expressed in cartoons and opinion pieces in the *Northern Territory News*, concerning the supposed opportunistic 'appearance' of sacred sites at the location of mineral discoveries, meant that any indications of belief dating from prior to the announcement of new gold discoveries there in late 1985 were of particular evidentiary value. Thus, Arndt's two papers, for example, became objects of greater interest and closer analysis than at any time since their publication. Indeed, at one point David Cooper remarked, without irony, that any pre-1985 documentation of Aboriginal perceptions of sacredness in the area of Sickness Country was 'like gold' (pers comm).

There were a number of questions here, which were the occasion of many discussions with Authority staff. How should one interpret what appeared to me as a very uneven and inconsistent, but broadly cumulative, record of assertions of mythological power and danger over the forty year period since non-Aborigines had first paid attention to Aboriginal concerns in the area? What level of accountability should be required of current Aboriginal statements about sacredness in the area when placed against that historical record? What, indeed, was the relevant principle of accountability? Was it a matter of demonstrating that current renditions of traditional belief had some minimum amount of antiquity, or that they were essentially continuous in some way with earlier renditions, or that such change as had occurred could be understood as organic, or as peripheral? What answers to these questions should be required in order to attract legislative protection for the places involved?

The second issue arose from the record of consultations, meetings and inquiries concerning development works at Coronation Hill. The notes and transcripts of proceedings on these occasions included a corpus of testimony from the three senior custodians and other Aborigines that was, on the surface, insistently contradictory. By this I refer not only to disagreements between different individuals, but self-contradiction, or changes of mind, by particular individuals, including two of the three senior men, regarding the status of Coronation Hill as a site and the propriety of development occurring there. It appeared to me that, taken as a whole, this testimony offered no way of conclusively determining what these people thought about the importance of Coronation Hill in mythological terms, or about the acceptability of mining at that place.

### **The Resource Assessment Commission Inquiry**

Once the RAC Inquiry (RAC 1991a: 126-27) found that environmental objections were not sufficient to prevent the Coronation Hill mine from proceeding, this question of the disturbance of an area of religious significance to the Jawoyn



became decisive, and it was on this question that policy resolution of the issue finally turned. The Inquiry (1991a: 195-98) reported in April 1991 that belief in the destructive power of Bula and the notion of a Sickness Country were not recent inventions, and that mining at Coronation Hill would seriously affront the religious convictions of many Jawoyn and undermine the authority of the three senior custodians, in return for some possible material benefits. Prime Minister Hawke, arguing from a minority position in Cabinet, considered this religious concern to be primary and decided to prohibit further mining development and incorporate the Conservation Zone into Kakadu National Park. As the threat presented to Sickness Country was thereby ended, no decision was then necessary on the Heritage Protection Act application.

I have discussed elsewhere (Levitus 1996) the underlying logic of RAC's approach to assessing the impact on the Jawoyn of mining in the Conservation Zone. I also canvassed there the Commission's position on the two issues of historical interpretation raised by the record of the preceding years: that of the traditional authenticity of Aboriginal concerns for a Sickness Country within which a dangerous Bula presence was widely distributed in various manifestations, and that of the real views of the senior custodians regarding the status of Coronation Hill as a sacred site and the acceptability of mining there. In their conduct of the Inquiry, in order to give primary weight to Aboriginal evidence on these issues, the Commissioners travelled to Jawoyn country and attended large meetings of Jawoyn people, listening directly to men and women, senior custodians and Aboriginal trainees at the mine site. Jawoyn opinions, as they were expressed at this stage, left the Commissioners in no doubt that the three senior custodians were opposed to mining at Coronation Hill on religious grounds, and that the great majority of Jawoyn people considered that those men's views were authoritative for that place. These findings as to the current and predominant Jawoyn disposition towards Coronation Hill and Sickness Country provided the Commission with an anchor, a general orientation from which it would address the difficult interpretive issues surrounding the documented history. The positions that it adopted on those

historical issues deferred to the immediacy and the contemporaneity of the Jawoyn views that it had directly elicited. These positions, initially set out in its Draft Report, were the object of strong public criticism, which the Commission subsequently addressed in Volume 1 of its Final Report (see Levitus 1996: 57-60).

The argument made against official recognition of Coronation Hill as a sacred place was that all the evidence indicating sacredness, whether by attributing Bula-related significance to that place in particular or by reason of its location within the wider area of Sickness Country, had emerged in recent years and within the context of the mineral discoveries. Proponents of this argument pointed out that, despite repeated investigations of Aboriginal concerns about development in that region over the previous forty years, and despite mining having taken place at Coronation Hill itself in the 1950–60s, no sacred meanings were attributed to that location until a sacred site recording trip in late 1985 encountered renewed development work in progress there. While it was well-documented and acknowledged that a number of other sites in the region were invested with powerful and dangerous meanings by their association with the Bula story, specific claims that Coronation Hill was affected by such meanings post-dated that renewal of mineral exploration. Even those spatially diffused concepts of mythological power that substantiated the idea of a large, unified, sacred and dangerous Sickness Country, within which Coronation Hill lay, were seen as recent elaborations of religious thought that could not justifiably attract legal protection.

In meeting this critique, the Commission concluded that, as far as could be inferred from the evidence of the past four decades, the Bula story and the notion of Sickness Country was not a modern invention, but a pre-existing tradition. Further, as demonstrated by a continuing fear of the consequences of disturbance to sites in that area, and occasional performance of Bula songs, it retained some salience among the Jawoyn and neighbouring groups. Beyond this, the Commission's response shared important common ground with the critique. It began by accepting as first principle that a capacity for adaptation and change is necessary to all

systems of belief, and that innovation and elaboration on traditional themes 'is the main activity of theology and should not be considered as evidence of pious fraud' (RAC 1991a: 32). Jawoyn custodians first encountered new development at Coronation Hill in late 1985 and responded by incorporating the gold deposit into the Bula myth. This interpretive act, by which they understood the gold to be the bodily essence of Bula and his wives, was accepted by the Commission as such an episode of innovation and elaboration, 'the result of processes of a genuinely Aboriginal kind' (RAC 1991a: 156). That was important for validating the Commission's orientation towards the present in their assessment of Jawoyn values. It allowed the Commission to construct an authenticating bridge between the historically documented force of Bula as a mythological presence in that region, and the particular manifestations of that force now perceived by Jawoyn to reside at Coronation Hill.

No such authenticating device was available to the Commission in meeting the other major criticism of their approach. The problem of serious internal contradictions within testimony recorded from two of the three senior custodians during the course of the Coronation Hill issue proved more intractable. Though the custodians declared themselves unilaterally opposed to mining before the Commission, supporters of development referred to these earlier changes of position as grounds for keeping open the future possibility of mining in the event that the custodians altered their views again. Various attempts to explain this record of contradictions were put to the Inquiry. Significantly, the Commission accepted that the contradictions were real, not just apparent, and acknowledged that they might possibly be explained in different ways (RAC 1991a: 180-81). It avoided, however, any direct engagement with the record of testimony in order to resolve the problem, even though such an approach was attempted by their own consultants (Keen & Merlan 1990: 67-83) and others (CHJV 1990: 15-16, 23-28; Levitus 1990: 32-43). It appeared instead to consider that this problem of interpretation could simply be de-emphasised in favour of the solution it had found to the other



interpretive problem of religious change.

As the Inquiry noted . . . adaptability and ongoing change is more the rule than the exception in all religious traditions, including Aboriginal traditions. In view of the existence of elaboration in Jawoyn religious thought, and its political overtones, the Inquiry took the view that underlying cultural and religious themes and trajectories of interpretation should be accorded primary importance in assessing the nature of Aboriginal cultural and religious interests. It considers that this approach is more fair and more logical than to focus unduly on the inconsistencies and contradictions that exist in the historical and ethnographic record. (RAC 1991a: 155-56)

Thus,

[i]n the Inquiry's view, these contradictory statements made in the past should not be interpreted as detracting from the present strength of the views held by the senior custodians. (RAC 1991a: 181)

This treatment of the problem of contradictions was the clearest instance of the Commission's deference to contemporary Aboriginal testimony. It was an issue that had generated voluminous documentation and intense polemic during the years of the dispute, and a further round of representations and argument before the Commission. From my experience of the Inquiry processes, I think it likely that the Commissioners saw nothing in the records of past meetings and consultations that offered a convincing and comfortable way of settling on one side or the other, justifiable from the history itself. It is then understandable that RAC sought a resolution in the thorough and careful elicitation of current Jawoyn opinion.

The Resource Assessment Commission Inquiry thus resolved these two major interpretive problems in a manner that marked an important departure in the way such issues were treated at a national policy level. The Commissioners argued an approach to the question of the authenticity of Sickness Country and Coronation Hill as sacred sites that broke from presumptions of timeless traditionality in the assessment of sacredness, and further dealt with the problem of contradictions in a manner that dispensed with any requirement of doctrinal infallibility on the part of



custodians. While we can therefore see the Inquiry, as I argued elsewhere (Levitus 1996), as a promising attempt to move beyond the confines of objectively documented authenticity and towards a re-thinking of a publicly defensible conception of sacredness, some limitations remain. Its very status as a policy forum and its attendant need to arrive at determinate findings bearing upon forthcoming policy decisions subjected its deliberations to a certain discipline that bracketed the play of interpretation, and required that it assess and organise the available argument and evidence for their incidence upon the formulation of end recommendations. So, for example, probing endlessly into the quandaries of contradictions would not have served that purpose.

### **Research themes**

Just as the Government's decision had removed the need for a Ministerial decision under the Heritage Protection Act, so it had annulled the tactical urgency behind the application for registration of Sickness Country as a sacred site under the Northern Territory legislation. In a less pressured climate, I proceeded to research and report on that application in 1991–92. In that report I did not return to the interpretive issues of traditionality of belief and contradictory testimony that had been extensively canvassed by myself and others in the years before. It appeared to me, just as it had to the RAC Commissioners, that the only workable approach to this practical issue of site management was to privilege current Jawoyn views. That is, rather than interrogate the antiquity of custodians' propositions about sacredness in order to positively establish or refute their authenticity, I treated those propositions that appeared to be generally settled and accepted among the custodians as making up a current statement of Jawoyn tradition. As it happened, I was unable to recommend registration of the site because it was still not possible to define an external boundary for Sickness Country around more than half of its circumference, partly because two focal sites remained unlocated.

The submission of my Report on Registration of Sickness Country to the

Aboriginal Areas Protection Authority in October 1992 marked the end of my participation in the policy aspects of the issue. My thinking to that point had focussed on two themes. The first fell within that area of anthropological discourse known as the invention of tradition, and was a product of the opportunity I had found in archival and published sources and in the records of the Authority to trace in detail the reporting of Aboriginal concerns for places of religious sensitivity in and around Gimbat since the 1950s. That reporting had been intermittent until the mid-1970s, and more frequent since. During the RAC Inquiry I had searched for a term adequate to represent the cumulative appearance in this literature of perceptions of power, concepts of danger and sensitivity, place names, applications of mythological narrative to landscape, and interpretations of art, supplied by two generations of senior Aboriginal men over a large number of field trips and interviews. 'Invention' did not suit. Apart from lending itself to polemical misuse (Merlan 1991a: 351), it connoted a moment of radical disjunction which, it seemed to me, neglected the exploratory and reconstructive character of the enterprise into which the various informants, especially the three custodians I worked with, had been called. My term 'elaboration' was intended to catch that sense of their working from an attenuated and fragmented knowledge base about things known from previous times to be important: a creation story about Bula and a field of power surrounding the places he went. The RAC Commissioners welcomed 'elaboration' and I have thought of nothing better since. However, while I still consider it an important theme, it is not one that I have room to explore in this thesis.

The second theme was my developing understanding of the history of the Coronation Hill dispute. In part this interest flowed from another view I had arrived at during the RAC Inquiry, that the contradictions evident in Jawoyn testimony about development at Coronation Hill were real and had to be taken seriously. From that, two further lines of thought were emerging. The first arose from that immediate interpretive problem of how to understand, or of how much could be understood of, contradiction. During the Coronation Hill dispute, various parties

tried to explain apparent contradictions in ways that realised, in the end, a totalised and consistent account of Jawoyn opinion. They tried to discriminate between the validity of Jawoyn testimony reported from different occasions, arguing testimony reported from some occasions to be a flawed, and that reported from others to be a genuine, expression of Jawoyn views. By contrast, finding no way of satisfactorily explaining away incidents of contradiction, accepting, that is, that they were real, not just apparent, I conceded that no totalising interpretation was possible. Looking as closely as the data would allow at each occasion of consultation, meeting, interview or inquiry, I concluded that each such occasion had to be treated on its own terms, that each could be considered as a theatre in its own right, and that consequently none of the testimony recorded from the Jawoyn during the six years of the Coronation Hill issue could be understood, independently of theatrical context, as a pure expression of values. While the arguments that had addressed the problem of contradictions to date had used context selectively, to rule some testimony out of account, I realised that context had to be acknowledged everywhere. I seized upon the notion of theatre, and other notions that it suggested, performance, script and text, as the core of an alternative analysis.

My conclusion that Jawoyn custodians really had contradicted themselves led to a second line of thinking regarding the history of Coronation Hill. It meant that the absolutely oppositional terms of debate, of sacredness and tradition vs exploitation and development, that dominated by the time of RAC, did not reflect essential and original value commitments on the ground. The records for 1986 and 1987 that I had seen suggested that the question of mining at Coronation Hill was open, a matter for discussion, negotiation and management, and the problem of sacredness there was surrounded with uncertainty. During that period, Coronation Hill was an issue, but not a dispute. At some point around the end of 1987, a fence was built between two opposed positions, and thereafter all parties involved had to line up on one side or the other. I did not at that point understand how the fence had come to be built, but the explanation clearly lay with those organisations that claimed a management role, especially the Northern Land Council: their internal processes,



dealings with the Jawoyn, and with one another.

On this theme of perceptions and politics within and between organisations, of their dealings with the Jawoyn and the responses that they elicited, there was much more to know. To complement the perspective already afforded by the records of the Aboriginal Areas Protection Authority, I gained access to the records of the Northern Land Council, BHP Gold, Parks Australia (then the Australian Nature Conservation Agency), and the Environment Centre of the Northern Territory, and interviewed several Land Council officers and consultants, so few of the former BHP officers as would in the end agree to see me, and a number of conservationists, Parks officers, and employees or consultants of other mining interests past and present who had local experience. I was interested in the detail of events, what people said and decided, the strategies of organisations and the perceptions and suspicions of their personnel, and in how all of that fed into the drawn out stages of government fact-finding and decision-making that culminated in June 1991.

This research added greatly to my knowledge of interactions between Jawoyn custodians and the various agencies that needed to know what they thought. I also developed a stronger sense of organisational strategising and inter-organisational politicking as a field that had to be treated as an independent source of action, rather than as one determined, in some simple and unequivocal way, by relations with or instructions from the Jawoyn. I began to conceive of the Coronation Hill issue as having proceeded at three levels. The first level consisted of programs of direct local access that an array of external agencies maintained with the Jawoyn in order to obtain their advice, knowledge, opinions, decisions, or allegiance with respect to the management of Coronation Hill and Sickness Country. The second level was that of competitive representations and lobbying between those external agencies in seeking to influence policy decisions, central to which were their representations as to what the Jawoyn really thought and really wanted. The third was the process of governmental fact-finding and arbitration, in principle in the

service of a national interest, and vested in the Senate Committee of Inquiry and the Resource Assessment Commission, and finally in Federal Cabinet where some final balance had to be struck and the arguments closed down. While I make reference as necessary to these second and third levels, this thesis is mostly about the first level, the practice of consultation. The thesis takes the record of contradiction thrown up by consultations both as its central analytical problem and as a point of reference for understanding the two subsequent levels of process.

### **The thesis**

This thesis argues that the processes instituted to manage the Coronation Hill issue framed an internally contradictory Jawoyn orientation to the issue, and that that framing generated the textual raw materials from which arose much of the substance of the dispute. The argument is presented as follows.

The second chapter of this Part presents the historical, cultural and policy background of the region within which Coronation Hill is located. I discuss how it has been used and perceived in western and Aboriginal terms in recent decades, follow the development of concepts of affiliation and custodianship in terms of which Aboriginal attachments to the area have been understood, and review the stages by which policy had come to focus on the Gimbat area at the time the Coronation Hill issue began.

Part 2 provides a conceptual framework for understanding how contradictions were generated. Chapter 3 establishes the problem of contradictions by citing the record of statements from senior Jawoyn, especially two of the three senior custodians, and shows that on the face of it, there are no grounds for discriminating between their two expressed positions in terms of authenticity. Drawing on Goffman, I approach this problem by treating each consultation as a separate event, a metaphorical theatre in which the custodians were called upon to perform their custodianship. In responding to that demand, they had to choose on each occasion

between 'reading' from a 'script' of mining, jobs and royalties, or from an alternative 'script' of religious power and danger. These readings produced two contradictory sets of texts bearing on the issue of sacredness.

Chapters 4 and 5 address the question of those dimensions of context necessary to understanding the custodians' selection of texts in different theatres. Chapter 4 maintains the focus on individual consultation events, and shows how a question raised by Goffman about the actors' interpretation of the theatrical frame is usefully answered by Kenneth Burke in terms of the internal dynamics of theatres. I use Burke's 'ratios' to uncover the criteria that the custodians applied to determine the nature of each theatre and the appropriateness of one or other script for that theatre.

Chapter 5 turns to another dimension of context, the prior knowledge, or 'information states', of the custodians. I show how the proposal to mine Coronation Hill raised a choice between two sets of values that could be realised from country, both of which appealed to the custodians for the way they resonated with different aspects of Jawoyn history and social experience. I take guidance again from Burke by placing this history into an expanded conception of the theatrical scene. The alternative outcomes of mining and no mining both answered to identifiable needs and values. The Jawoyn choice of script and production of text at each consultation event thus becomes a moment of orientation towards one or other of the alternative future potentialities offered by the issue at hand.

The purpose of Part 3 is to provide a reading of the history of the Coronation Hill dispute in the light of my argument about theatricality. The four chapters in this Part make up a chronological sequence only broadly, but explore the connections between those micro-articulatory processes discussed in terms of theatres, and the second level of political action, that of inter-organisational politicking, around Coronation Hill. They show how reciprocal interaction between these levels of process fed into the external history of the matter and turned it from an issue into a



dispute.

Chapter 6 looks at the presumption of an authoritative Aboriginal centre around which sacred sites policy is organised, and shows how that presumption created a focus for organisational strategy and inter-organisational manoeuvring. Surviving political challenge in 1986, that presumption preserved the necessity of theatres as an instrument of issue management. I show how mistrust between the Sites Authority and the BHP project team developed initially from a contest over rights of access to people and country.

Chapter 7 looks at the other side of the theatrical relationship and shows how the organising agencies, and sometimes individual officers, read different meanings into the performances produced by the custodians. These competing understandings were informed by the totality of interactions each agency maintained with the custodians, including those outside the consultation events considered in Part 2. The chapter thus reveals a contrast between the continuous and cumulative interpretation of Jawoyn views that each agency composed for itself from an ongoing narrative of interactions, and the discontinuous treatment of each theatre as *sui generis* by the custodians themselves.

Chapter 8 disconnects the analysis from theatres for a time in order to trace the rise of the Northern Land Council to a position of pre-eminence in management of the issue, and the responses of the Authority and the project team in a context of Federal policy change. Having achieved that political transformation, the NLC took several months and drew on three identifiable sources to arrive at a position opposed to mining at Coronation Hill and elsewhere in the region. This understanding of its instructions turned the issue into a dispute.

Chapter 9 shows the continuing theatricality in the participation of most senior Jawoyn, including two of the three male custodians, as the dispute entered its latter phases. It thereby develops the contrast introduced in chapter 7, between an

insistently contextual positioning by the Jawoyn, and its selective effect of reinforcing opposed readings of the Jawoyn position by external parties. Theatricality thus both sustained two involuted political relationships between most senior Jawoyn and the contending organisations, and entrenched the political dispute between those organisations.

Part 4, chapter 10, concludes the thesis. I turn to Goffman again in asking what the record of performance allows us to know of the custodians themselves, and contrast my position with those of the protagonists on either side of the issue whose understandings of the Jawoyn were based on their respective claims for having achieved genuine communication with them. I show briefly the continuation of theatricality to the last and highest stages of the policy process, and finish with some thoughts about the limiting and containing function of theatres for policy administration, and the refusal of theatrical performance to meet the assumptions about custodianship that underlie that function, in the case of Coronation Hill.



## CHAPTER 2

### BACKGROUND: GIMBAT AND SICKNESS COUNTRY

Until 1987, Coronation Hill was located in Gimbat pastoral station (Map 2). The area of Gimbat is now, following events to be described below, incorporated within Kakadu National Park. Sickness Country is the name given to an area that is now accepted by management agencies such as the Australian National Parks and Wildlife Service as being of sacred significance to the Jawoyn people, and is managed with regard to the wide distribution therein of sensitivities associated primarily with the presence of the dangerous creator figure Bula. Its area is largely coincident with the previous area of Gimbat lease, thus it is also now predominantly located within Kakadu National Park, but extends into neighbouring areas of Arnhem Land to the east, Eva Valley pastoral station to the south and Nitmiluk National Park to the south-west.

This chapter provides background information for these areas. It begins by briefly reviewing aspects of the physical geography of the area in western and Aboriginal terms, then discusses how Aboriginal attachments to country have been understood in various research contexts, and presents an outline of modern post-settlement development history. Much of this material is presented with respect to Gimbat rather than Sickness Country, because that lease, or specific parts of it, was usually the relevant geographical context at the time in question. The chapter then considers the place of Gimbat within policy. It shows the way policy developments established precedents for land management and a set of political relationships and expectations that, from the early 1980s, began to bear upon Gimbat. In doing so, it also introduces some of the major institutional players in the Coronation Hill issue. Finally, it looks briefly at some indicators of political development and consciousness among the Jawoyn immediately prior to Coronation Hill.

## **Geography**

Coronation Hill is located in the Top End of the Northern Territory, about 220 kilometres south-east of Darwin and about 160 kilometres inland from Van Diemen Gulf. It lies on the southern side of the upper South Alligator River, within the boundaries of the former Gimbat pastoral lease (Map 2). Gimbat was taken up as a pastoral property by Joseph Callanan in 1937 (Forrest 1987) over an area that, with later additions, included the uppermost reaches of the South Alligator River, part of the upper Katherine River, a wide upland valley between the two, a broad flat-topped extension of the Arnhem Land plateau known as the marrawal in the south-west, the more uneven main body of the western Arnhem Land plateau and its escarpment in the north, and a number of plateau outliers and hills.

The vegetation is predominantly open savannah woodland, and the terrain is in many areas rocky or sandy. The upper South Alligator is a perennial spring-fed waterway that rises in the centre of Gimbat and flows north-west, while the Katherine is seasonal with a number of permanent waterholes, and curves from about the mid-point on the eastern boundary to the southern boundary. Both are fed by numerous tributaries. The largest of these are Gimbat Creek and Birdie Creek, which drain into the Katherine River from the north-eastern and south-eastern corners of Gimbat respectively, and Koolpin Creek and Fisher Creek, which drain into the South Alligator from the central northern areas. All of these creeks rise in neighbouring areas of the Arnhem Land plateau. Koolpin Creek flows for most of its length through elevated terrain. During the monsoonal wet season from about December to March, the flow of water in the two rivers and their tributaries causes sometimes severe but localised flooding, but there are no significant swamp or wetland areas that retain water for long into the dry season which extends from about April to November.

In the north-western section of Gimbat, the South Alligator flows north-west through a narrow stretch of valley, bounded by the escarpments of the marrawal to the south and the Arnhem Land plateau to the north. A number of rocky hills lie

along this valley on either side of the river, confining the possibilities for alignment of the main access track or, in earlier days, for the movement of stock. Coronation Hill lies towards the south-eastern end of this scatter of hills. Two more prominent hills are Pulpul, directly north-west of Coronation Hill, and Big Sunday, located further upstream on the north-eastern corner of the marrawal. The main track follows the river, crossing the main channel three times before leading east across the broad sandy plain of the main Gimbat valley to Sleisbeck on the Katherine River. A two-wheel track runs north along the Katherine from Eva Valley station to Sleisbeck, and can be followed further upstream into Arnhem Land.

Jawoyn geography encodes many features of the landscape in place names. Merlan and Rumsey discuss their types and informational content:

To an unusual degree, the Jawoyn system of place-names is based on a principle of non-arbitrariness of the relation between a toponym, and the mythological, physiographic and other characteristics of the place so designated. (Merlan & Rumsey 1982: 61)

In other words, the features of a place — its appearance, meanings, history or uses — can often be understood by Jawoyn from its name. It may indicate the presence of a plant, animal or other object at the locality, its suitability for a certain activity, or more often its association with a mythological figure (1982: 60-61).

The majority of sites have mythological associations. Most sites are connected with at least one mythic creator figure, in terms of which it makes sense to ask what is the *ngan-jarang*, or “dreaming”, of the site as this is commonly expressed locally. Mythic figures are said to have performed certain actions, made certain movements or noises, or met with other figures, and it is these activities which make up the cosmology associated with landscape. Frequently, certain figures are said to have “put themselves”, or some part of themselves, in the landscape; it is to this that many place-names allude. (1982: 63)

Many local landforms are a creation of mythological figures or host to their continuing presence. When we travelled up the Katherine River from Eva Valley



towards Sleisbeck, Peter Jatbula and Nipper Brown recounted the story of another such journey that led to the river's creation. The crocodile Nabilil travelled from the saltwater up the Daly and then the Katherine Rivers before they were watercourses, naming places as he went far up into the top country. There the 'blackfella bird' Bardaya struck Nabilil with a stone-pointed spear, cutting him open to release a great volume of water from inside him. Nabilil also then lost the firestick, a tree good for making fire now found in that area.

Other features have other stories. On the western side of the track approaching Sleisbeck, and again on the eastern side of the Sleisbeck crossing, the Rainbow Serpent vomited the bones of a group of people that he had swallowed at a nearby billabong, that now lie as low stone formations. At another mythological moment, after fighting each other, Bukbuk (the pheasant coucal) placed bamboo for spear shafts at Koolpin Creek crossing, and Jodet (the 'left-hand' kangaroo) left yellow ochre at a location on the South Alligator headwaters (Merlan 1992a: 140-41, 150; Merlan 1992c: 5).

Such narratives document an Aboriginal knowledge of country that is distinctive both for its content and its ontology. The characteristics of country can be understood as signs or legacies of motivated action, of dreamtime agency. Further, because dreamings continue as a contemporary presence, they are something that people may encounter and must take cognisance of when travelling through country and visiting places. They have specific identities — different forms, personalities and attitudes — in different instances. They may be benign, nurturing, productive, mischievous or threatening. As illustrated by the stories above or further by the naming of places after Gupu the plains kangaroo, or Ngarradj the white cockatoo, the Gimbat landscape hosts a variety of such identities. It is most renowned, however, among Aborigines of the Top End, for the Bula dreaming.

The first brief mention that I heard of Bula associated him with danger and prohibition. In 1984 I was at Nourlangie, in Kakadu National Park to the north of



Gimbat, talking to an elderly man, Maginnis, who associated himself with Gimbat country. For him, Bula signified earthquake. If you get a big barramundie, a long fat one, up in that country, you can't kill it, he told me, because it will bring Bula. Merlan and Rumsey (1982: 53-56, 68-69) had already drawn public attention to the status of Bula as the most powerful and dangerous of Jawoyn dreamings, located at a number of sites that required vigilance to protect them from disturbance. Later, in response to early developments in the Coronation Hill issue, they compiled the information they had collected up to that time, a few details of which are given here.

Although Bula is said to have emerged from the ocean and travelled overland, entering Jawoyn country from the north, all major sites associated with him are located within Jawoyn territory, across Gimbat and immediately adjacent areas. Bula is thus a Jawoyn dreaming, and Jawoyn people are responsible for protection of its sites. This, however, is a responsibility that people of neighbouring groups are concerned to see fulfilled, for while Bula, like other dreamtime heroes, was a world-creative figure, the principal significance attached to him now is his immense destructive potential. If disturbed in any of his underground resting places, he will cause massive earthquakes and fires, killing all life and destroying the world. Anthropologists such as Bern and Rumsey, with comparative experience in other parts of Aboriginal Australia, have characterised this Jawoyn complex of myth and sites as unusual for its apocalyptic character (Merlan & Rumsey 1986: 16-18; cf. Kolig 1989a regarding the concepts of spiritual power relevant to the Noonkanbah dispute). Maddock, who carried out anthropological research on religion and ritual immediately east of Jawoyn country in the 1960s (Maddock 1988: 307), recorded from two Ngalkbon men at Beswick their apprehensions about a particular Bula site. If messed up, they said,

everyone might die. The effects were likened to an earthquake — “blow him up all this dirt, fish” . . . “we fright, biggest fright”.

(Maddock 1986: 8)<sup>2</sup>

Chaloupka found the same significance in northwest Arnhem Land:

The bula places are known as far away as Oenpelli and Gumader [in northwest Arnhem Land] and bula is usually translated as ‘earthquake’.

(Chaloupka 1979: np)

Keen, researching the small areas of Gimbat initially included in the Alligator Rivers Stage II Land Claim (see below), found similarly among Jawoyn informants:

One of the Bolmo claimants, George Lander Barni:dja, identified his dreaming as Bulademu, or “Earthquake”. He and others explained that it is not quite like an earthquake; it does shake the ground and all the people on it, but also burns everything up — trees, grass, even the water.

(Keen 1980: 190)

While the Gimbat area thus seems to have figured within Aboriginal geography as a zone of earthquakes deriving from this Bula presence, its characterisation as ‘Sickness Country’ is an adoption from Arndt’s two accounts (1962; 1966). He is ambiguous about its geographical extent, but derives the term from that part of the myth in which the creator figure, to whom Arndt gives an alternative name, is rendered sick from the bite of a hornet (1962: 303, 304; 1966: 232).

### **The Jawoyn language group**

The distinction between Gimbat and Sickness Country is of some relevance to the ways in which Aboriginal attachments to land have been represented. Research efforts have clustered around two inter-related themes. One of these has been

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<sup>2</sup> (Maddock 1974: 209) also records the volatility of this site as likened to an atomic explosion.

concerned with the modelling of Aboriginal traditional ownership of the area of Gimbat lease or parts of it, and has struggled with concepts of group responsibility for country. The other has dealt with the problem of the distribution of custodial roles with respect to sites of mythological significance, especially those associated with Bula, and has tended to proceed from the data of individual performance and knowledge.

In this and the following section, I review some aspects of Aboriginal relations to land in the subject area. Much of this discussion, especially in the next section, is at one remove from the primary ethnography in that its focus is the history of the models that various researchers have formulated to represent traditional ownership and responsibility for sites. I adopt this approach because the representation of Aboriginal attachments, that is the ways others have understood Aborigines to exercise responsibility for country, is relevant background for a thesis that deals with the management processes brought to bear on Coronation Hill. That is particularly so where the models are themselves produced in contested policy contexts, and their validation or rejection in those circumstances has a precedent effect, and is therefore part of a constraining history, for subsequent policy stages. How well such models are able to accommodate the totality of lived dispositions towards places, accumulated by individuals over time, depends upon the policy requirements that the models are required to meet. As may become evident, the land claim context demanded more of a concern with the ideology of group structure than did the site protection context, and so there is some variability in the reducing effect that different representations have upon people's experience.

The account given by almost all knowledgeable Aboriginal informants since the 1950s and documented in a series of land claims, but most directly and intensively during the Jawoyn (Gimbat Area) Land Claim of the early 1990s, is that all of the area of Gimbat pastoral lease is, and always has been, the traditional territory of the Jawoyn language group (Keen and Merlan 1990: 38-39; Merlan 1992a: 4-5; 1992b: 16-18). Gimbat lies toward the northern extremes of Jawoyn country. At this

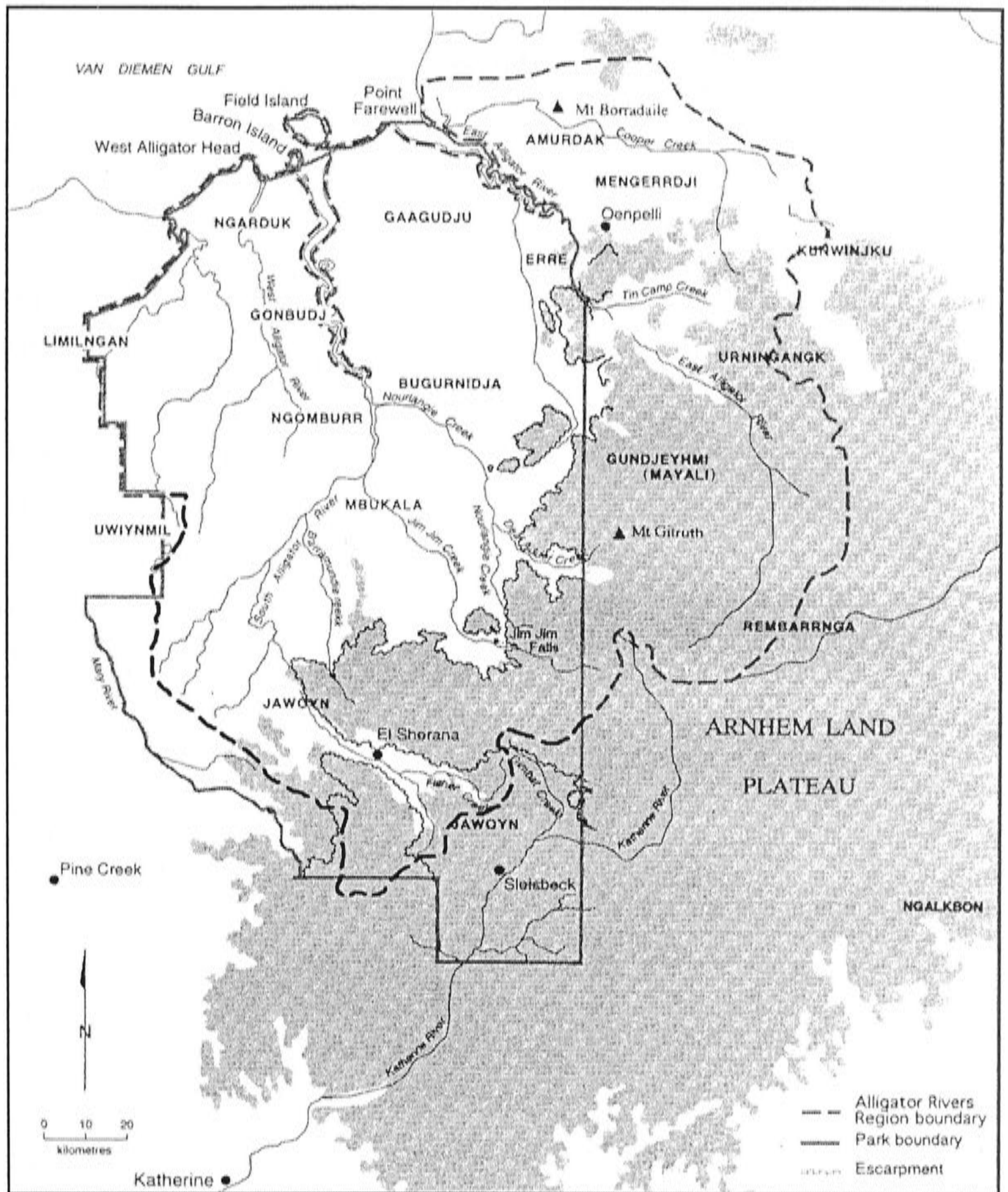


northern end, where Jawoyn country extends into the southern portion of the Alligator Rivers region, it meets or merges into countries associated with other language groups. To the north-east and north of Gimbat, Jawoyn country merges into the sandstone plateau and lowland forest territory of Gundjehmi language group, known to the Jawoyn as Mayali. Also north of Gimbat but further west, Jawoyn country meets the South Alligator swamp country language group Mbukarla, and to the north-west, the Mary River language group of Uwiynmil, which has no surviving members (Map 3).

The notion of the language group was proposed in Northern Territory land claims (Rumsey 1989) to represent a certain mode of identification between people and country. It proposes a 'tribal-level' commonality between people, country and language to be found among some Aborigines such as those just mentioned, and east of the Jawoyn, the Mangarrayi of the upper Roper River and Ngalkbon of southern Arnhem Land (Merlan and Rumsey 1982; Merlan 1981; Merlan 1998: 15). In such areas, 'there is frequent identification of large, continuous land areas with particular sociolinguistic groupings' (Merlan 1981: 141). People affiliated by descent to an area of country to which a particular language belongs are also owners of that language (Merlan 1998: 124-26). Descent in the case of the Jawoyn is cognatic, so that identification with Jawoyn country, and therefore with the Jawoyn language, can be transmitted through either the mother or father, though the owning of the language does not presume competence in the language (Merlan 1992b: 10). The original identifications of people and language with country is a function of arbitrary Dreamtime prescription.

Thus, . . . it is not the case that, for example, Jawoyn country is called this because it is or was occupied by people who speak the Jawoyn language. Rather, it is called Jawoyn country because it is the region in which that language was directly installed or 'planted' in the landscape by *Nabilil*, 'Crocodile', a Dreamtime creator figure who moved up the Katherine River, establishing sites and leaving names for them in the Jawoyn language. In this formulation, the mediated link is not between language and country (which are directly linked), but between language and people: Jawoyn people are Jawoyn not because they speak Jawoyn, but because they are





**Map 3:** Northern Jawoyn country with language groups to the north and east (adapted from Lawrence 2000: 142 and RUEI 1977: 14)



otherwise linked (by patrification, matrification, or both) to *places* to which the Jawoyn language is also linked. (Rumsey 1989: 75, italics in original)

The term Jawoyn is consequently an identifier of country and language, and also of a social group. The composition of that group is secondarily defined by the play, over successive generations, of personal choices of marriage and residence. Thus, a person entitled to claim Jawoyn identity through one parent but who lives in the country of the other, non-Jawoyn, parent is establishing the conditions through which he or she, or the succeeding generations of that family, will lose Jawoyn identity, through choice, or forgetting, or a lack of recognition and acknowledgement by other Jawoyn. Conversely, people of combined Jawoyn and non-Jawoyn parentage who remain, for at least some periods of their lives, within the conventional range of Jawoyn residence and therefore of intra-Jawoyn sociality, are preserving the conditions in which they would wish to assert, and are likely to have accepted, a claim to Jawoyn identity. Notably, such mixed affiliations, when further combined in marriage, are not transmitted into ever more fragmented and multiple identities in successive generations. Merlan (1998: 121-22) notes how dual language-group identities on the part of a parent or grandparent, such as Jawoyn-Ngalkbon (a neighbouring south-west Arnhem language group) or Jawoyn-Mayali, are remembered by the children in the simplified form of a single affiliation for each progenitor, such that the inheritance by the children of anything more than dual language-group, or 'tribal', identity, one from each parent, is rare.

Such differentiation of possible identifications over time via in-group and out-group selection results in a reasonably coherent and geographically centred Jawoyn group. The Jawoyn thus appear collectively as a social or 'communal' entity and as a physical presence in the Aboriginal cultural geography and politics of the Top End. That presence is concentrated at the township of Barunga, the one large settlement that is regarded as an unambiguously Jawoyn place (Merlan pers comm), and is spread widely to Beswick, Eva Valley, Katherine town and its surrounding camps, Pine Creek, and north into Kakadu National Park, beyond the territorial limits of Jawoyn country (Map 1). Gimbat itself, which makes up a large

part of the northern reaches of Jawoyn country, has sustained a small and interrupted Jawoyn presence of generally less than a dozen people in recent decades, in the form of independent travelling bands, workers for Joe Callanan, trainees for BHP at El Sherana and Coronation Hill, or National Parks field staff.

### **Aboriginal attachments to the Gimbat area**

The nature of Aboriginal group attachments to the Gimbat area was first addressed by anthropologists whose main focus of interest was land further north or south, such that models designed to represent traditional ownership in those areas included parts of Gimbat as a periphery or extension. To the north, Brandl (1973) identified and mapped the ownership of discrete estates by named patrilineal clans across north-west Arnhem Land and most of the Alligator Rivers region. Chaloupka (1975) reproduced that model, with different mapping, for the Ranger Inquiry land claim in 1975-76.<sup>3</sup> For the Alligator Rivers Stage II Land Claim of 1977-81, Keen (1980) elaborated the model to include language groups as an additional, sometimes intersecting, patrilineal land-owning entity, and marked the extent of individual estates by distributions of named sites instead of boundary lines.

The overriding concern of these researchers was to identify named-group affiliations to land with as much local particularity as available. This model of a collection of contiguous, discrete, descent-group territories offered a useful fit (Rumsey 1989: 70) between the ideal features of each such patrilineal group and the concept of the 'local descent group' through which the Aboriginal Land Rights Act requires that traditional owners exercise rights over country. Such a fit was demonstrated in terms both of bounded memberships and attachments to sites on the land. In both claims, the Aboriginal claimants were listed according to

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<sup>3</sup> These years refer to the period from the beginning of field research to the final hearings of evidence.



membership of each of these local patrilineal land-owning groups. Each group is composed ideally of one or more lineages and its membership is transmissible only through male members. In effect, then, both claims were presented as a collection of more localised claims, such that in the Stage II claim, each group was required to satisfy the definition of 'local descent group' in order for the Aboriginal Land Commissioner to recommend a grant of freehold title in its favour (ALC 1981: 13). Pursuant to this land claim model, local patrilineal descent group membership has been the primary criterion for determining rights to be consulted, make decisions, and receive royalty and other entitlements in the Alligator Rivers region. The localised, territorially affiliated clan group as a category of social organisation and as a mediator of person-land relations has consequently taken on an enhanced solidity in the affairs of the area.

To the south of Gimbat, Merlan found similarly that within the Jawoyn language group is found a lower level of formal social organisation consisting of a number of named groups that are constituted as patrilineal clans and known as *mowurrwurr*. She (1998: 81) has identified forty-three such groups that are acknowledged as Jawoyn, about half of which still have living members. Membership of a *mowurrwurr* derives from having a father with that identity, so that because membership of the larger Jawoyn group allows for cognatic descent connections, the memberships of all *mowurrwurr* together do not account for all Jawoyn people. That is, there is a residue of people who can claim Jawoyn identity through their mothers, but have no *mowurrwurr* identity as their fathers were non-Jawoyn. Differentiation according to descent affords to each *mowurrwurr* a membership that is ideally bounded and consistently determinable from one generation to the next. Such membership may also serve to differentiate intra-Jawoyn territorial rights as the *mowurrwurr* can operate as a mode of more localised attachment to country than is specified by membership of the Jawoyn language group.

Clan organisation is also a way of relating people to places. Clans for which such information is still known are associated with one or more focal places, as Girrimbitjba (clan) with Wetji Namurrgaymi (place), Bagala

(clan) with Melkjarlumbu (place), and Jambalawa (clan) with Wubilawun (place). In each place inheres at least one focal creator entity that clan members consider their own (sometimes referred to in English as “Dreaming” or in Jawoyn as *ngan-jarang-ngayu*). This is a particular regional form of the Australian integration of place–person–totem.

(Merlan 1998: 79-80)

The *mowurrwurr*, however, did not figure in Merlan’s first attempt to model land ownership amongst the Jawoyn. In the Jawoyn (Katherine Area) Land Claim of 1980-84, the task of proving traditional ownership to most of the claim area had to overcome the historical problem of a serious attenuation of knowledge about this system of associations between clan and place (Merlan 1998: 81). This led Merlan and Rumsey (1982) to depart from the localised patrilineal descent group model presented in the two previous land claims for areas to the north. Rather, they identified the Jawoyn language group as a unified local descent group for all of Jawoyn country. Their position was asserted early in the claim book.

In the course of our fieldwork our questions about land ownership and responsibility were uniformly replied to in terms which left no doubt that the Jawoyn group as a whole is considered to have primary spiritual responsibility for sites on the land. The more important a site, the greater the extent to which people asserted a strong responsibility of all Jawoyn for it.

With respect to the terms of the Land Rights Act, the Jawoyn group is local in the sense that its identity is territorially-based in its collective country; it is a descent group in that recruitment to it is by a descent principle, filiation from a member or members of the group. Members of the group have in common primary spiritual affiliations to sites on Jawoyn land.

It is asserted that all persons referred to in the List of Claimants . . . are members of a single local descent group of Aboriginals who, as a group, are the traditional Aboriginal owners of the undivided whole of the land claimed.

(Merlan and Rumsey 1982: 7-8)

The *mowurrwurr*, they argued (Merlan and Rumsey 1982: 7, 36-37), probably had never exercised sole spiritual responsibility for sites on the land, and in the period since European settlement had become of secondary importance to the Jawoyn



language group as a whole as a conceptual mediator of people's sense of attachment to land.

Up to this point, no analysis had focussed on Gimbat in its own right. Rather, models and maps of traditional ownership that were based on research concentrated to the north (Brandl 1973; Chaloupka 1975; Keen 1980) or to the south (Merlan and Rumsey 1982) had included Gimbat, or parts of it, as peripheral areas. In two of these exercises, the central principles employed in the models were unable to be extended without qualification to Gimbat. Thus, Brandl, in his 1973 map of 'Aboriginal Traditional Territories', showed boundary lines around land-owning groups almost as far south as the Gimbat boundary. Placing the names of three Jawoyn clans just outside Gimbat, he noted 'Boundaries of the territories not remembered'. Conversely, when the Jawoyn (Katherine Area) Land Claim was tested with respect to two small claim areas excised from Gimbat pastoral lease, the claimants compromised the single language group model of traditional ownership to advance a notion of clan regionalisation. This concept was not fully explained, but at least presumed that members of certain *mowurrwurr* understood their attachments to Gimbat to be of a particular quality that was not shared in an undifferentiated manner throughout the Jawoyn language group.

This compromise of the unitary language group model posited a relationship between clan and country different to that documented in the northern Alligator Rivers region, because it still denied clan-exclusive attachments. This difference had become apparent to Merlan from the frustration of her early attempts to define discrete clan territories. By the early 1980s, she had resolved the many instances in which her data on territorial attachments in Gimbat diverged from such a clan-estate model by settling on a notion of non-exclusive clan regionalisation. Such a notion was appearing in accounts of land ownership in some other parts of the Northern Territory around that time (Merlan 1992b: 20). Merlan found that the affiliation claimed by a *mowurrwurr* to a particular site is not necessarily exclusive of other *mowurrwurr*. In other words, clan connections with country overlap, and

more than one *mowurrwurr* will often be cited in relation to any given locality. At the same time, it was possible in some cases to document a strong identification of a particular *mowurrwurr* with a central site, as in the above quoted passage (though even these might not be exclusive of other *mowurrwurr*), such instances carrying significances of personal essence and deep sentiment for some, now elderly, individual clan members who usually had experience of those places from the travelling mode of life pursued years ago as stock workers or in the company of their parents (Merlan 1998: 92-93). Merlan employed the notion of clan regionalisation to suggest characteristics of clear geographical centredness combined with overlapping and diminishing identification and concern at varying distances away. She thus conceived of clan territoriality primarily in terms of places that are experienced as what might be called a clan heartland, and discounted the quest for clear external boundaries (1998: 94).

The claim for the two parcels of land in Gimbat was unsuccessful, but the main part of the claim, over Katherine Gorge (now Nitmiluk) National Park, succeeded in large part, validating the unitary language group model of traditional ownership. Throughout the latter half of the 1980s, procedures relating to possible mineral exploration and development, especially at Coronation Hill, insistently focussed Jawoyn attention on site custodianship as a practical management issue in the Gimbat/Sickness Country area. Formulations of traditional responsibility were addressed to the issue of custodianship of the complex of sacred sites associated with the creator figure Bula. Though the concern here was with places located in this northern Jawoyn region, the modelling of custodianship laboured under the influence of the land claim model argued for Katherine Gorge. Reports written during that time by anthropological consultants and site research officers sought to strike an accommodation between, on the one hand, the regionally acknowledged status of Bula as a Jawoyn dreaming and the land claim model of the Jawoyn language group as a unified land-owning descent group (Merlan and Rumsey 1982: 55-56), and on the other, the prominence in practice of a small coterie of senior men, and especially three men of Wurrkbarbar *mowurrwurr*, in consultations and



meetings dealing with site management issues in Sickness Country. While a number of senior people, including some non-Jawoyn, could be listed for their knowledge and authority without compromising the collective responsibility for that site complex held by the Jawoyn language group, there was some vacillation as to whether the three senior Wurrkbarbar men owed their personal pre-eminence to such seniority or to being Wurrkbarbar.

Only in 1990, by which time those three Wurrkbarbar seniors were the sole surviving sources of traditionalist representations regarding the powers and dangers of Sickness Country, was the matter referred to the Jawoyn collectively for clarification. As the question of Coronation Hill moved into its penultimate stage of policy resolution, Jawoyn people gathered in large groups at Gunlom to advise the Commonwealth Government's Resource Assessment Commission of their views. They acknowledged the authority of the three old men, Peter Jatbula, Sandy Barraway and Nipper Brown, to speak for Coronation Hill (RAC 1991a: 176), and thereby implicitly established an order of priority between *mowurrwurr* and language group within the authorised model of custodianship. Later that year, that model was given its new formulation by Keen and Merlan acting as consultants to the Commission. They noted the widespread deference among Jawoyn to the right of those three seniors to speak for Coronation Hill, a right which was not directly challenged even by those people of opposite view on the question of mining (Keen and Merlan 1990: 11-14, 34-35). That right was attributed to the senior men on the basis of:

recognition of their traditional attachment to the area at the level of *mowurrwurr* or "clan". . . Also (b) recognition of each one of these men's association with the area during the course of their lives, and hence their greater familiarity with the country than others can lay claim to; (c) recognition of each one's identification with, and legitimacy of identification with, the Bulardemo (or Bula) tradition via the handing on of custodianship from their senior kinsmen, most directly and especially from the fathers of Sandy Barraway and Peter Jatbula; but also the sharing of that identification with a number of other Gimbat-linked Jawoyn, both deceased and still living, mainly the senior men of a *mowurrwurr* or clan usually known as "Jawoyn Bolmo". (Keen and Merlan 1990: 12)

Keen and Merlan here included both structural and personal factors, combined the themes of traditional group ownership of country and of individual custodianship of powerful sites, and acknowledged the special connection to Gimbat of a second *mowurrwurr*. Later, they gave to the question of traditional responsibility for the Gimbat area an historical and structural account that differentiated it from the Jawoyn language group model of the land claim. More than in most other Jawoyn areas, post-settlement conditions had allowed the preservation in the Gimbat area of a sense of attachments to country at a local descent group level. Though Gimbat is Jawoyn country, it includes places of especial significance to four particular *mowurrwurr*: Bamkiya, Marrkarala, Wurrkbarbar and Jawoyn Bolmo (so named because there are other Bolmo clans in western Arnhem Land that are not Jawoyn). The latter two had surviving members who could claim rights as traditional owners before other Jawoyn, and pre-eminent authority rested with the oldest and most knowledgeable among them, the Wurrkbarbar men (Keen and Merlan 1990: 41-43).

The foregoing survey of the conceptualisation of land ownership in the Gimbat area over two decades shows how ethnographic modelling developed with more intensive and direct fieldwork experience and in response to both the proof requirements of land claims and the contemporary practice of site-related consultations. In the year after the Coronation Hill dispute ended, three further analyses, two by Merlan (1992a; 1992b) and one by myself (Levitus 1992), concentrated, wholly or in part, on the Gimbat area. Two of these were generated by policy processes, Merlan's (1992b) anthropological report for the Jawoyn (Gimbat Area) Land Claim, and my report to the Aboriginal Areas Protection Authority on the registration of Sickness Country as a sacred site.

To summarise, the three reports reiterated the primary custodial position of Wurrkbarbar and Jawoyn Bolmo *mowurrwurr*, and acknowledged a subsisting level of ownership residing in the larger Jawoyn language group. Merlan further found that a third *mowurrwurr* with living members, Madjpa, was now acknowledged as having primary affiliations to an easterly area of Gimbat. For the

land claim, these two levels of affiliation, of language group and *mowurrwurr*, produced respectively larger and smaller claimant groups, the latter a sub-set of the former, and these two groups were argued in the alternative to satisfy the statutory definition of traditional ownership, with the clan group model given the primary running (Merlan 1992b: 62-69). The claim was accepted by the Land Commissioner on that latter basis (ALC 1996: 16-21, 38-39). In my report, I also proposed a third level of site custodianship found among occasional individuals, of other *mowurrwurr* or language groups, such as those who had in the past played prominent roles on the basis of knowledge, personal standing and life experience.

### **Development history**

The Northern Territory generally is poor cattle country and of the four broad regions in which pastoral production has been attempted, the district of Darwin to the Gulf of Carpentaria, in which Gimbat lies, is the poorest. Nevertheless a disproportionate share of the first wave of stock was introduced into this region in the 1880s, including one of the largest herds of an estimated 8000 cattle at Glencoe, west of Gimbat. In the depression of the 1890s, huge areas of land in the region were surrendered, stocking levels collapsed and the Glencoe herd shrank to 200. The high cost of materials and wages, lack of infrastructure, absence of a significant local market, cattle disease and environmental difficulties combined with the general economic downturn to cause huge financial losses (Duncan 1967: 3, 24-26, 37, 46-48, 161). It is doubtful that any organised pastoral operations penetrated into the Gimbat area during those decades, despite successive lessees including it within larger scale holdings marked out on the map of the Top End (Forrest 1987).

In the early twentieth century, individual leaseholders persisted in extracting a living from undeveloped runs carrying uncertain numbers of stock. Immediately west of Gimbat, George Cooke ran Goodparla station until his death in 1937, assisted by another versatile bushman, Monte Sullivan. According to 'Young Joe'



Callanan, the son of Gimbat's first lessee, Sullivan looked around the ridges of the upper South Alligator and told Joe Callanan of country there waiting to be taken up. Callanan, who had tried peanut farming, sawmilling and prospecting, had a small block on Beswick Creek with about 35 head of cattle. He drove them north, adding more wild, unbranded cattle (known as 'cleanskins') along the way, to take possession.

From 1937, Gimbat became a remote cattle station that supported a basic standard of bush living for Joe Callanan and his immediate family and their Aboriginal workers. Cattle were mustered and driven on horseback. The closest sources of supplies were the town of Pine Creek, about 100 kilometres to the west, and the settlement of Maranboy, about the same distance to the south (Map 1), which owed their existence and changeable fortunes to local gold and tin mining respectively. Pine Creek, located on the Stuart Highway, is a permanent town that survives on mining and tourism. Maranboy now exists only as a police station on the Central Arnhem Highway that leads to the Aboriginal settlements of Barunga and Beswick. Travel to these places was originally by packhorse, but as the track to Pine Creek improved, Callanan used horse and buggy and later a Chev truck. Callanan was assisted on the station by Young Joe, who also found supplementary work elsewhere.

The lease was purchased in 1964 by Sir William Gunn and some associates, who largely neglected and then in 1976 abandoned the property (Forrest 1987). Helmut and Joy Schimmel, of Darwin, occupied the station from 1981, proposing to develop a tourism enterprise, but it was resumed by the Commonwealth in 1987. Following the cessation of the buffalo shooting industry further north in 1956, feral buffalo spread south over Gimbat and grew into a large population, creating serious erosion problems in some creek catchments (RAC 1991b: 172). Random visitation for camping, fishing, shooting and bushwalking and later by small organised 4WD tour groups also developed during this period. Schimmel introduced controls over this use of the area by locking the gate on the main access road from Pine Creek.



Within Gimbat, the narrow section of the upper South Alligator valley in which Coronation Hill lies was the focus of most European activity during those decades. The access track from Pine Creek passed through this corridor, the three dwellings occupied by Callanan during his time on the station were all located at different points along this section of the river, and the main points of recreational interest from the 1960s, including Gunlom (then known as UDP Falls), the Christmas Creek rock art site, and billabongs along the South Alligator River and Koolpin Creek, lay along the valley or in the upland areas on its northern side. More importantly, however, a small uranium exploration and mining boom was concentrated there from 1953 to 1964.

Mining had been the first of the Territory's industries, with recurrent rushes following discoveries of gold in 1870 and 1871 during construction of the Overland Telegraph Line south from Darwin (Powell 1982: 92-94). It is likely that individual prospectors, venturing out beyond the gold-bearing zones around Pine Creek, were among the first non-Aborigines to traverse the Gimbat area, but they left no mark. Joe Fisher, a central figure of the 1950s mining era, found no signs in the upper South Alligator valley of the kind of small-scale mining intensively pursued, mainly by Chinese, in the vicinity of the railway between Adelaide River and Pine Creek in the late nineteenth century. From the late 1940s, Joe Callanan and the Roberts brothers worked small mineral deposits on Fisher Creek and elsewhere (Fisher 1988: 2), including a copper deposit on Coronation Hill itself.

Intense interest in uranium as a strategic mineral in the post-war years turned the attention of geologists to the upper South Alligator valley. An initial discovery in 1953, again on Coronation Hill, led to the development of a series of mine sites<sup>4</sup> along a twenty kilometre stretch of the valley, as well as the Sleichbeck mine on the Katherine River (Fisher 1988). The mines were operated by three companies, and

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<sup>4</sup> The number of mines in the upper South Alligator valley between Coronation Hill (see Plate) and Rockhole Creek seems to depend on how one identifies a separate mine. Although the number is usually given as twelve, Fisher's map (1988, reproduced here as Map 4) shows sixteen.

associated works consisted of four airstrips, upgraded road access from Pine Creek into the South Alligator valley as far as Fisher airstrip, extensive local access roads into the Arnhem Land escarpment, workers' accommodation camps at Sleisbeck, El Sherana and Rockhole, and two small treatment plants. The European population of Gimbat rose to over 100. Their efforts were represented in the popular media (eg. Farwell 1958) as the overcoming of the difficulties of a remote and mountainous area by pioneers of industrial civilisation.

The activities of this decade were a preliminary exercise in the multiple overlaying of peoples and values in Gimbat. The era of marginal, extensive, low-technology cattle husbandry supporting a single family continued until the same year in which the mining ended, 1964. The mining itself applied an intensive, mechanised, landscape-altering technology and concentrated labour force to the recovery of a resource that was of scientific, industrial and military significance, instantly connecting Gimbat, as a remote periphery, to international systems of various kinds. Through the physical access that it created and the information networks it tapped, the mining also made both known and accessible those natural and cultural features of value for western tourism, research and heritage management. Fisher has often cited these as a by-product of mining and a credit to the industry.

During aerial and ground exploration of the South Alligator and Katherine River Valleys, many outstanding Aboriginal cave painting sites were located by [North Australian Uranium Corporation] personnel in the "Sleisbeck" area, and [United Uranium NL] personnel, including me, in the South Alligator River Valley. Major sites located were invariably in sheltered areas under sandstone cover and in most instances, appeared to be living areas from evidence of charcoal and food remnant accumulations and grinding stones for seeds. A prime example was the Christmas Creek paintings later to be identified with the "Bulla" archiac [sic] culture. . .

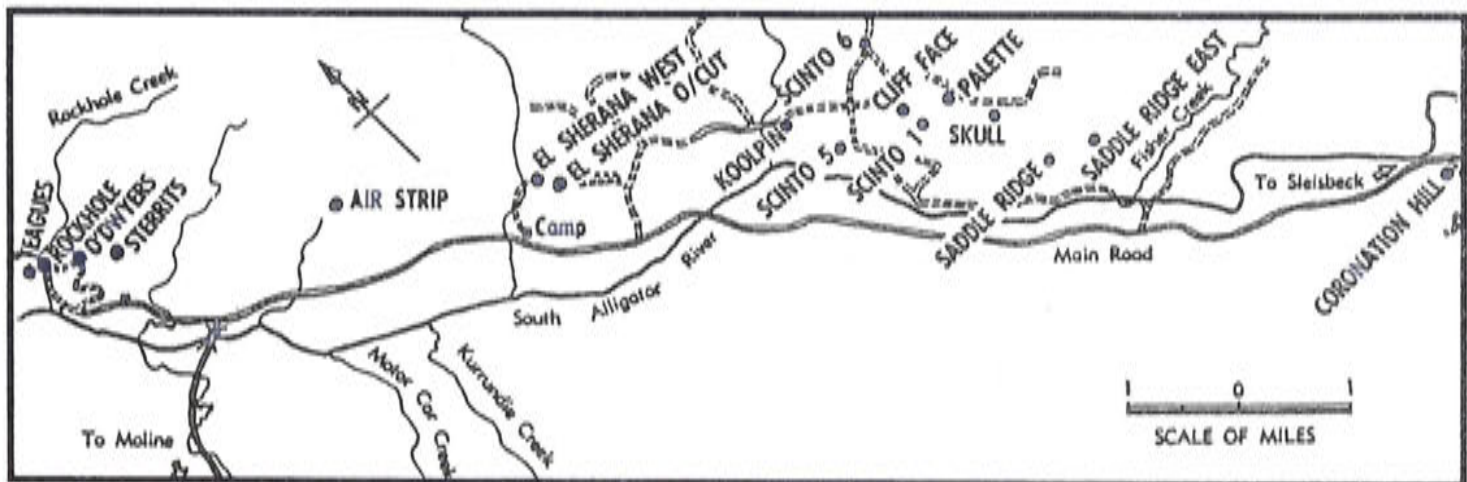
In those early days of exploration and mining, we were conscious of the need to record and protect sites of apparent significance, even though there was no requirement to do so under the Mining Act. . .

From 1955 onwards, the access tracks developed by the mining companies were increasingly used to visit and enjoy the delights of the many scenic





**Plate:** Coronation Hill Mine in 1959. (Photo courtesy Environment Centre NT.)



**Map 4:** Joe Fisher's map of uranium mines in the upper South Alligator valley (from Fisher 1988).





sites located around the escarpment, including cave painting sites, accessible by company and station roads and tracks. (Fisher 1988: 6, 7)

Visitor numbers grew rapidly in the 1960s (Fisher 1988: 21). Being a proudly responsible miner of the time, Fisher sought protection for the Christmas Creek site as a reserve, and during his later political career, formulated one of the first national park proposals for the Alligator Rivers region. This proposed park, immediately to the north of Gimbat, was conceived in terms of the preservation of the natural scenic attractions of parts of the escarpment and wetlands.

The Aboriginal presence was also sustained through the decade of mining. A small labour force continued in employment with Callanan and subsequently with Gunn until the early 1970s, and Gimbat continued to be used by occasional foot travellers moving across the western Arnhem Land plateau between Oenpelli and Maranboy. As suggested by Fisher's passage above, these travellers or other seasonal visitors may have continued using the large wet season rock shelters in the northern upland area contemporaneously with the mining. The Gimbat station workforce was not dominated by any tribal group, indeed for those years in the 1960s for which census data is available, Jawoyn people were usually in the minority, and Callanan himself understood the area to be Mayali country. Similarly, the 1955 data recorded in the Register of Wards lists eleven people of four languages: Jawoyn, Kunwinjku, Ngalkbon and Rembarrnga. The last three are all language groups of Arnhem Land, which suggests that Gimbat, a poor and remote outpost of the pastoral economy, was, like other stations bordering the Arnhem Land Aboriginal Reserve, a point of first access to western commodities for peoples from the reserve.

In the early 1970s, the NT Welfare Division asked some of their field officers to report on the heritage and Aboriginal significance of the 'Christmas Creek Cave Paintings' in the narrow corridor of the upper South Alligator valley. Their comments are inconsistent on the current cultural import attributed to the motifs by

Jawoyn people interviewed at several locations,<sup>5</sup> but jostling with this varying cultural concern are a few statements on other kinds of interests that Aborigines might have in Gimbat. The two main Aboriginal assistants on these trips were Mick Lora and his brother Soupy Marapunyah (see Merlan 1998: 38-41), members of the Gimbat-focussed Jawoyn Bolmo *mowurrwurr* (see above). Brandl recorded separate comments from both, which he found to be indicative of wider Jawoyn sentiment, that Gimbat is their country and they wished to have possession of it. His reports recommended acquisition of the lease and contemplated the possibilities for Jawoyn management and ultimately ownership of tourism or pastoral ventures (see further chapter 5). When in 1973 the property was offered by Gunn to the Department of Aboriginal Affairs, Brandl reiterated his findings, but no transfer of the station was effected.

### **The Alligator Rivers region in policy**

The decade-long efflorescence of mining activity in the 1950-60s drew official attention to Gimbat both for reviving industrial activity in the Northern Territory and for expanding the connection between the Northern Territory and the international nuclear industry that had been established by the Rum Jungle deposit near Darwin. The next two sections further review those aspects of the Gimbat area that are of importance to major interest groups in Australian public affairs, and discuss the beginnings of the modern policy era for land management in that region from the late 1960s to the early 1980s. The story presented here replicates the pattern of my previous discussion of the modelling of Aboriginal attachments to land, in that for some time policy debates that had their principal geographical focus elsewhere had implications that overflowed into Gimbat, so that it was only against a background of settled policy history that Gimbat itself became the focus

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<sup>5</sup> A.Bishaw, 30.9.71, Letter to Administrator (Welfare): Christmas Creek Cave Paintings; E.Brandl, 30.3.72, Letter to Director Welfare Research: Christmas Creek Cave Paintings; E.Brandl, 20.12.72, Letter to Director Welfare Research: Christmas Creek Cave Paintings; Australian Archives (NT) Series F1, Files 69/4013, 74/4732.



of interest. Its significance derived in most respects from its relationship to parts of the Top End of the Northern Territory defined variously in geological, mineralogical or ecological terms as the Pine Creek Geosyncline, the Uranium Province, or the Alligator Rivers region.

The Pine Creek Geosyncline is a major geological formation that stretches across the western Top End from Oenpelli in the east to the Batchelor/Rum Jungle area in the west, and from the coast to Katherine. As the host formation for uranium, gold and many other minerals (Needham & Roarty 1979), it has been of major importance for Northern Territory history since the first gold diggings between Adelaide River and Pine Creek in the 1880s. In recent decades the Pine Creek Geosyncline has attracted international attention from geologists and has yielded the resource base for a disproportionate number of the Northern Territory's most important mining operations. Gimbat is located entirely within the extent of this formation and the upper South Alligator uranium field of the 1950s and 1960s was one of its economic manifestations.

The Uranium Province, or the 'Alligator Rivers Uranium Field' (Needham & Roarty 1979: 139; Needham et al. 1973), is located across the north-eastern section of the Pine Creek Geosyncline, and was so named following discovery of the major uranium prospects of Nabarlek, Ranger, Koongarra and Jabiluka in the years 1970 to 1973 (Map 2). Those discoveries drew Federal Government attention to the area, and so initiated the current policy era in that part of Australia. In the first instance a detailed and extended assessment was required of the character of the local region in which the discoveries had been made. A number of interests were already established there (Saddler 1980: 188-89) and the prospect of large uranium mines had implications for all of these. Small safari camps were catering for Australian and international tour groups. Two pastoral stations in the north of the region were planning further development of their buffalo operations, and were concerned about radioactive contamination of water and pasture.

Another interest group was represented within government by the Northern Territory Reserves Board which, from 1965, had promoted a number of proposals for a national park in the Alligator Rivers region. The last of these, in 1971, included the north-eastern corner of Gimbat. The history of the Board's efforts to have an adequate area conserved in the face of competing pastoral and mining interests were set out in a booklet (NTRB nd) circulated in mid-1972. It documents the urgency and frustration felt by members of the Board in 1970 as mineral exploration progressed and the discovery of what became the Ranger uranium deposit was announced. Their response illustrates prevailing notions of incompatibilities in land use. The Chairman's letter to the Northern Territory Administrator,

stated that Authorities to Prospect had been granted over almost the total area proposed to be reserved [as a Park] by the Minister. The letter concluded as follows:-

"Is it too much for my Board to expect an indication of policy, for if this be in favour of the mining interest, my Board will be advised by me to abandon all further attempts to secure this area as a National Park for posterity, and will commence a search for another area somewhere else in the far North."  
(NTRB nd: 7)

Senior decision-makers, however, were looking for a balance, and the Federal Minister for the Interior now wanted to delay settling land use questions until mineral exploration was more advanced (nd: 10). Subsequent discussions between mining companies and government led to an agreement to jointly fund the Environmental Fact-Finding Study of the Alligator Rivers Region of the Northern Territory. Its various research projects were planned by a committee consisting of bureaucrats, miners and the Australian Conservation Foundation, and were carried out in 1972-73 over an 'Alligator Rivers Region' defined as the entire East Alligator River catchment and the main channel and eastern catchment of the South Alligator.

Previously a remote and little developed region, it has become an area of considerable interest and activity in the last decade, primarily because of:



a growing awareness of its scenic, recreation, and tourist attractions, and its highly diverse wildlife and native flora;

pressure for a large part of the region to be declared a national park;

the discovery of very large resources of uranium;

a renewed interest in developing the pastoral industry;

an increasing concern for the preservation of Aboriginal sites of cultural and scientific significance.

...

Because of the opportunities for allocating land in the area for various economic and cultural purposes, there has been growing interest in having the various possibilities assessed, and in the future uses of land being planned with a full awareness of the consequences to the environment and to one another. It was evident that, if rational decisions were to be made about the future of the region, taking the environment and all interests into account, much more factual information about it was necessary.

(Christian & Aldrick 1977: 1)

Consistent with the laws, though not with the changing political culture (Rowse 2000), of the time, the studies were restricted in the terms in which they conceived of an Aboriginal presence or interest. The projects on archaeology and rock art were framed with the scientific, heritage and curiosity values of academia and cultural tourism primarily in mind. Carroll (1973: 16), then the Oenpelli mission linguist, was the first to register a protest at disregard for Aboriginal feelings about the use of their land, both by researchers and by proponents of a national park. While the majority of the region's population, concentrated at Oenpelli, was acknowledged to be Aboriginal, their concerns were represented solely in terms of sacred site protection (Christian and Aldrick 1977: 143).

The limited definition of the Alligator Rivers region adopted by the Fact-Finding Study included, at its southern end, a triangle of country that extended into Gimbat from the northern boundary to the centre. That portion, however, did not figure as a prominent component and attracted little attention from the researchers in the field. Neither the archaeological survey of Kamminga and Allen nor the rock art survey

of Edwards included any Gimbat sites (Christian and Aldrick 1977: 62, 67), though Edwards (1979: 104-5) discussed a major site near Sleisbeck for its comparative mythological significance. While the documentation of such local particularities would ultimately be essential for informing policy outcomes in Gimbat, the Fact-Finding Study was still significant for its general approach. It was conceived as a regional assessment of environmental values, that is, as a preliminary grounding exercise for the policy process over an area conceived on a geographical scale that took particular development proposals as its starting point, but was not restricted to their areas of direct impact. Further, it weighed the policy significance of its findings within a framework of possible combinations of interests: the multiple land-use paradigm.

A characteristic of the region is that most parts of it have multiple values and multiple use possibilities. Future land use planning will of necessity involve consideration of alternatives, compatabilities [sic] and incompatibilities. An endeavour has been made to delineate those parts of the region which have related values, and similar multiple use possibilities or sensitivities. The following three 'Tracts with Multiple Potential' are the broad areas of the region about which environmental decisions are likely to be required in the foreseeable future. They are:

the Escarpment Tract

the Lowland Tract

the Drainage Tract

(Christian and Aldrick 1977: 107)

Again, in the accompanying map (1977: 109), little of Gimbat was included in this typology. Only the upper South Alligator River valley and the northern escarpment line were marked.

The next stage of the policy process was instituted by the Federal Labor Government that took power from the conservative parties in 1972. This stage addressed more directly the question of what developments should be allowed in the region. Some changes were already in place. The Northern Territory Administration in 1972 established an Alligator Rivers Wildlife Sanctuary within

boundaries that included the Koongarra uranium deposit, and a small number of rangers were appointed. By 1974, construction of the all-weather Arnhem Highway was completed from the Stuart Highway to Jabiru, allowing a rapid increase of uncontrolled four-wheel-drive tourism. Then, in 1975, the Ranger Uranium Environmental Inquiry was instituted under the Commonwealth's Environment Protection (Impact of Proposals) Act of 1974, and required to look into 'all the environmental aspects' (RUEI 1976: 1) of the mining of the Ranger uranium deposits.

This Inquiry, and its surrounding circumstances, were again of general significance for the policy environment affecting Gimbat. It became a focus for the redefinition and enlarged participation of two public-policy interest groups, the environmental and Aboriginal. It arose from emerging concerns within government about Australia's participation in the nuclear industry, and turned the attention of the Australian environmental movement to the Alligator Rivers region with the energy of a burgeoning, multi-organisational, anti-nuclear campaign (Falk 1982; Hutton & Connors 1999: 137-43). It also coincided with the passage of the Aboriginal Land Rights (Northern Territory) Act by Federal Parliament in 1976. Section 4 authorised the Minister to transfer to Aboriginal ownership the area of the Arnhem Land Aboriginal Reserve which bordered Gimbat to the east and included part of what was later identified as Sickness Country (Maps 3, 4). In addition, the Inquiry delayed preparation of its Second Report in order to hear the first land claim under the Act, over a further area west of the Reserve and immediately north of Gimbat (RUEI 1977: 5-7, 253-83). Section 4, and the Inquiry's recommendation that the further claim be granted, meant that the Aborigines of the region could be regarded as land owners with a legitimate interest in resource management decisions, a status that they did not have at the outset of the Inquiry.

Moreover, even before they acquired that status, local Aborigines were identified as important and perceived as sympathetic to the lobbying efforts of both environmentalists and miners. As occurred again at Coronation Hill, both groups



developed contacts with local Aboriginal people, seeing them as allies who were, however, easily subject to deception or manipulation by the opposing side (Grey 1994: 193-94; Leichacz 1975; Marshall 1975). Once the Federal Government decided in 1977 to allow uranium mining at Ranger and Nabarlek, environmental activists emphasised their common cause with the anti-mining Aboriginal sentiment that the Ranger Inquiry Second Report had overruled (RUEI 1977: 9). Later they joined in criticism of the Northern Land Council for having carried out inadequate consultation with local Aborigines before signing the Ranger Agreement in November 1978 (Graves 1979; Hutton & Connors 1999: 142-43). The experience of this campaign established within conservationist thinking a preconception that Aborigines in remote Australia, oriented to traditional values, would be natural allies in any struggle against mining on their lands. This preconception proved durable well into the 1980s, despite a substantial shift in Aboriginal opinion regarding other uranium deposits in Kakadu National Park.

The Ranger Inquiry expanded the Fact-Finding Study's definition of the Alligator Rivers region to cover the catchments of the West, South and East Alligator Rivers and much of the Wildman River, thereby including the north-western half of Gimbat (RUEI 1977: 14). Much of that portion, however, lay within the 'southern hills and basins' sub-region, which attracted least attention in the Inquiry's review of the values and potentialities of the Region (RUEI 1977: 15). Nevertheless, the broad trend of the Inquiry recommendations posed a new future for the Gimbat lease area. The Inquiry had before it a range of proposals for the establishment of a national park, ranging from the most minimal previously documented by the Northern Territory Reserves Board, to blanket inclusion of all Alligator and Wildman River catchments (RUEI 1977: 200-1). Several of these overlapped into Gimbat. Following from the management philosophy of the Fact-Finding Study, the Ranger Inquiry had to decide where conservation was to fit amongst other possible uses of the Region.

The fact that a national park has still not been established is clearly linked with the competing claims of other land uses, particularly mining. Prospects



for uranium mining emerged in the early 1970s concurrently with proposals to reserve land from mining. A problem with proposals put forward earlier by the Northern Territory Reserves Board was that they conflicted with the responsibilities and interests of some branches of the Territory Administration or with the rights of holders of land already allocated for other purposes.

In part the failure can be attributed to the lack of a co-ordinated land use plan and an established plan of land use management for the Region, a situation by no means limited to this part of Australia. Allied to this is an apparent reluctance to give top priority to the reservation of large areas for national park or conservation purposes if there is a possibility of substantial economic returns from some other form of land use. (RUEI 1977: 202)

The Ranger Inquiry Second Report (RUEI 1977: 291-92, 305-10) went on to remedy this by formulating a land use package for the entire region that prioritised and coordinated the claims of a number of interests (Saddler 1980: 191-93). In its recognition of mining, conservation and tourism, that package sought to acknowledge and regulate a set of claims that were not only already to some degree established within the local law and practice of land use, but had substantial implications for elevating the significance of the region at national and international levels. In two other respects, however, the package departed from past policy priorities. The recognition of Aboriginal entitlements to land was new, as was the concern that all other interests in the region should be pursued in a manner that at least minimised adverse impact on, if not elevated the morale and economic standing of, the Aborigines (RUEI 1977: 231-33). Conversely, the most parochial of white economic interests, pastoralism, was offered no long-term security. Following from the finding that '[t]he pastoral industry does not appear to us to be a desirable form of land use in this Region' (RUEI 1977: 290), its interests were explicitly subordinated to those of environmental conservation. Moreover, the Ranger Inquiry conceived of the conservation values of the region in broad ecological terms, framing its national park proposal around a principle of total river catchment protection. That had direct implications for areas a long way from the proposed uranium mines, such as Gimbat.

Many expert witnesses have stated, and the Commission accepts, that it is desirable to include at least one large total river catchment in a regional national park. Whether or not uranium mining proceeds, the South Alligator River catchment is clearly the most suitable. It includes most of the area within the boundaries which were proposed in 1975 for the Kakadu National Park; it includes the valuable Woolwonga wildlife area; it comprehends most of the land types which exist in the Region; and it avoids major encroachment onto the Arnhem Land Aboriginal Reserve. To include this whole catchment, all of Goodparla and portion of Gimbat pastoral leases, in which the river and some of its tributaries have their headwaters, would have to be resumed. We are not sure whether this would be acceptable to the present leaseholders. (RUEI 1977: 288)

Though located some distance north of Gimbat, the uranium discoveries thus instigated the development of a complex and highly-determined policy regime that ultimately included Gimbat within its purview. The size and value of the deposits allowed the mining industry to argue an ultimately successful case for multiple land use in an environmentally sensitive area, a precedent on which the industry has since sought to capitalise, including during the Coronation Hill dispute. The ethos of a balanced accommodation of interests that guided the Ranger Inquiry is tellingly illustrated at one point in its Second Report (RUEI 1977: 283-85), dealing with circumstances that later arose again in Gimbat. The Ranger uranium deposits lay directly north of Mt Brockman, one of the most mythologically dangerous locations in western Arnhem Land. On the question of how close to that site the southern boundary of the mining lease would be put, the Inquiry marked a line between the Northern Land Council's preferred boundary, which cut across a proven ore body, and the company's, which ensured access to another radioactive anomaly further south. The ore body could thus be mined, but the anomaly could not be further investigated. Archetypally incompatible values of mining development and Aboriginal sacredness were thus placed into a position of mutual accommodation within a secular policy regime of land management, by means of a territorial compromise.

Accompanying or following upon these striking developments in the philosophy and practice of remote area regional planning were important institutional changes

in the Northern Territory. Two new institutions responsible for protecting and advancing the Aboriginal interest in land were established. Both of them played major roles in the Coronation Hill issue. The Northern Land Council was one of two major land councils created by the Commonwealth Government's Aboriginal Land Rights (NT) Act 1976 and its functions are governed by that Act. Its membership consists entirely of Aboriginal representatives of several regions making up the top half of the mainland Northern Territory, and its work is carried out by a substantial professional bureaucracy divided into branches such as law, anthropology and resource management. In the period to the late 1990s, now thought of as the first generation of land rights, the NLC's major responsibility was to assist Aborigines to establish their traditional ownership of unalienated Crown land before the Aboriginal Land Commissioner, who could then recommend the granting of inalienable freehold title to an Aboriginal Land Trust. More generally, its functions may be summarised as ascertaining the wishes and representing the interests of traditional Aboriginal owners of land within its area with respect to any issue relating to ownership or use of that Aboriginal land. Such issues have prominently included negotiating the conditions under which mineral rights will be granted over Aboriginal land. Its first negotiations began immediately after its establishment, leading to agreements with respect to the Ranger (1978), Nabarlek (1979) and Jabiluka (1982) uranium mines (Altman 1983: 56-61, 64-66; von Sturmer 1984: 89-94). While the Land Rights Act allows an Aboriginal veto over mineral exploration on Aboriginal land, such a veto does not apply to mining interests existing prior to the passage of the Act. In such circumstances the NLC has power to negotiate an agreement with the company, but can support traditional owner opposition to mining only by political means.

The Aboriginal Sacred Sites Protection Authority was a Northern Territory Government agency established in 1978 under the Aboriginal Sacred Sites Act (NT) and responsible for documenting and registering Aboriginal sacred sites throughout the Territory (see Ritchie 1996). It was re-established under new



legislation in 1989 as the Aboriginal Areas Protection Authority.<sup>6</sup> The Authority itself consists mainly of senior Aborigines nominated by the NLC and its southern counterpart, the Central Land Council, from all regions of the Northern Territory. Its work is carried out by a staff of anthropological field researchers and supporting technicians. The Authority has compiled maps and locational data of sites across the Territory in two categories. Registered sites are those for which Aborigines responsible for them, referred to in the Act as the 'custodians', have requested the protection of the Act, and recorded sites are those that have come to the Authority's attention from various sources but for which custodians have not requested such protection. The Authority has accumulated detailed documentation regarding the significance of these sites within contemporary Aboriginal belief systems.

Anyone wishing to work upon land that is a sacred site can seek permission from the Authority. Under the original Act as a matter of practice and under the current Act as a matter of law (Ritchie 1996: 214-15), the Authority arranges consultations between the proponents of work and the custodians, mediated or at least observed by officers of the Authority. Those officers have the responsibility of ensuring that the custodians understand and approve of proposals put to them, before recommending to the Authority that site access be allowed. The Authority under its original legislation then issued a permit or written permission, and under its current legislation a Certificate, allowing access subject to appropriate conditions. An Authority Certificate provides the applicant with an absolute defense to prosecution for violating the registered site. The Act and the Authority thus do not ensure the absolute inviolability of a site, only that consultation occurs and informed consent is obtained before any interference. The Authority has powers of prosecution for unauthorised interference with any sacred site, whether registered or not (Castan & Hartnett 1982), but it is a defence to show that the trespasser had no reasonable grounds for suspecting the site to be sacred (Renwick nd: 27-28, 44). Under the

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<sup>6</sup> The original legislation consisted of the Aboriginal Sacred Sites Ordinance 1978, and the Aboriginal Sacred Sites Act (No. 2) 1978. The new legislation was the Northern Territory Aboriginal Sacred Sites Act 1989, on which see further Avery (1993: 126-27).

original Act in force until 1989, registration had no strict legal effect, but provided the Authority with some of the information it needed to administer site access or prove sacredness, and along with the Authority's practice of erecting signs, could weaken a defence of ignorance in the event of prosecution (Ellis 1994: 31-33; Renwick nd: 29). Under the current Act, registration creates a *prima facie* legal presumption that the site is a sacred site.

In 1978 the Northern Territory was granted self-government, but Kakadu National Park, uranium mining, and most aspects of the Land Rights Act, were retained under Commonwealth jurisdiction, the Park to be managed by the new Australian National Parks and Wildlife Service (Lawrence 2000: 66-69). The entire area over which Kakadu might finally extend under the Ranger Inquiry scenario, including Gimbat and Goodparla, was transferred in fee simple to the Commonwealth. A clawback of jurisdiction in the Alligator Rivers region has since been a Territory Government objective (Dreyfus 1982). Control of Kakadu, its expansion and World Heritage listing, and limits imposed on mining and tourism within its boundaries became perennial points of complaint for successive pro-development Territory governments throughout the following decades (Lawrence 2000: 196, 203-5, 227-32, 236).

### **Gimbat in policy**

In the 1980s, against this substantial background of policy settings adopted over the larger region, the interest groups mobilised and institutions created during the 1970s turned their attention to Gimbat. To this point, there had been coordinated legal recognition of the three major contending interests — Aboriginal, mining and conservationist — in the region. Declaration of Kakadu National Park proceeded in stages. Stage I was declared in 1979 over the central, central-eastern and far north-eastern areas, and Stage II in 1984 over the northern and north-western areas (Map 2). In both cases, pre-existing mining leases over the major uranium deposits were excised from the Park. By the mid-1980s, declaration of Stage III was on the

Federal Government's agenda, and this was expected to extend Kakadu south into Gimbat and Goodparla Stations to protect most of the remaining South Alligator catchment. The Ranger Inquiry land claim had led to the transfer of almost all of Stage I of Kakadu to Aboriginal ownership before its declaration as park. That procedure was repeated when the Alligator Rivers Stage II Land Claim (Keen 1980) was heard prior to declaration of Stage II. Those areas successfully claimed were then leased back by the Aboriginal owners to the Parks Service.

The Northern Land Council therefore anticipated an opportunity to claim Gimbat and Goodparla Stations on behalf of the traditional owners in between resumption of those stations by the Crown and their declaration as National Park. The Australian Conservation Foundation had attempted unsuccessfully to purchase the Gimbat lease in the late 1970s, and viewed inclusion of the area in Kakadu as essential to proper management of its heritage and environmental values. The mining industry wanted all prospective areas within the two leases preserved for future exploration. The Coronation Hill Joint Venture, under another name, had resumed exploration in the upper South Alligator valley in the 1970s. When in the early 1980s the international price for gold rose, the old uranium workings became of renewed interest for the indications of gold that had been noticed in association with the uranium. BHP, the on-site operating member of the Joint Venture, began drilling at the old mine on Coronation Hill in 1984, and soon obtained very promising results.

Among the Territory Government's first strategies was to challenge the idea, first given serious credibility by the Ranger Inquiry (RUEI 1977: 331), that Kakadu could ultimately extend over Goodparla and at least part of Gimbat. It convened a Gimbat/Goodparla Land Use Study group of Territory and Commonwealth agencies in 1980 to gather resource information for that area as a basis for land use decisions. The final report of the Study (NTG 1982) argued that inclusion of the two leases in Kakadu would not achieve the Ranger Inquiry's vision of total catchment protection for the South Alligator River, and that the area offered major



alternative development opportunities in pastoralism, agriculture and of course mining.

At that time the upper South Alligator valley was part of the Gimbat pastoral lease and was therefore not available to be claimed as Aboriginal land, and Coronation Hill was not subject to any other form of legal protection for environmental or Aboriginal values. The only legislation able to protect Aboriginal interests in Gimbat was the Northern Territory's Aboriginal Sacred Sites Act. Research conducted for the Sacred Sites Authority (Merlan & Chaloupka 1980) had led to the registration in 1980 of two focal Bula sites in Gimbat, and documentation of a third (Merlan & Rumsey 1980). Awareness within both the Authority and the NLC of the importance of Gimbat sites grew with a succession of land claims and other local issues. NLC research for the Alligator Rivers Stage II Land Claim identified two Bula-related sites in northern Gimbat (Keen 1980: 188, 190-91). Although that section of the claim was withdrawn, Keen provided a confidential appendix giving details of previous researches by Arndt, Brandl and Chaloupka concerning Bula sites, mythology and ritual. From the south, researchers dealing at that time with such issues as a proposed dam on the Katherine River and mineral exploration in northern Eva Valley by Mobil, or preparing for a proposed land claim over Eva Valley Station, also became aware of Bula sites around the Eva Valley – Gimbat boundary as objects of primary concern to knowledgeable Aborigines. The Authority gathered such documentation as was available to put a case for the protection of significant areas to the Gimbat/Goodparla Land Use Study. This material listed a large number of art sites and a limited number of sacred sites, including some of Bula significance, drawn from such occasional, uncoordinated and sometimes preliminary research as had to that time been carried out (Chaloupka 1980; Josif 1981; McLaughlin 1979; Merlan & Chaloupka 1980).

Further appreciation within these agencies of the geographically broad spread of Bula-related sensitivities, and an understanding of Bula as a dominating presence within the Gimbat landscape, developed from Merlan's work in two land claims.

Following a field expedition for the Stage II Land Claim, she wrote to the Authority Director of an incident in which the three men later accepted as senior custodians for the Gimbat area, Peter Jatbula, Nipper Brown, and Sandy Barraway, expressed anxiety about a drilling rig found about ten kilometres from a focal Bula site. Barraway especially was worried about any form of uncontrolled and uninformed movement of people in the general area of these sites. Merlan wondered what measures might mitigate the alarm and lack of control felt by Jawoyn people at the prospect of disturbance.

These Bula sites seem quite problematic, and I would like to ask what you think we can reasonably do. . . . When people think of declaring sites, they usually envision demarcating a reasonably small area. Now it is not plain to me what sort of an area would allay the owners' fears about activity in the environs of Bula sites.<sup>7</sup>

The Director, Bob Ellis, thought 'a reasonable area of influence'<sup>8</sup> could be included in a site registration. The existence of a major regional complex of Bula sites known to contemporary senior Jawoyn and related people was established soon after during the preparation and presentation of the Jawoyn (Katherine Area) Land Claim. Although none of the sites lay within the area of this claim, the anthropologists responsible for preparing the claim book, Merlan and Rumsey (1982: 53-55), stressed that these were the most powerful and dangerous sites known to the Jawoyn. Their relevance to the claim was argued generally in terms of the threat that disturbance of them posed to all Jawoyn country, and specifically in terms of an extensive sphere of influence overlapping into the claim area from the focal point of one site in southern Gimbat near the claim boundary. Information in the claim book was complemented by a confidential video prepared for the Land Commissioner showing visits to the vicinities of these sites by Aboriginal claimants who testified as to their significance and danger. It is this material that seems to

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<sup>7</sup> Merlan letter to Ellis, 2.12.80, Aboriginal Areas Protection Authority files.

<sup>8</sup> Ellis letter to Merlan, 5.12.80, Aboriginal Areas Protection Authority files.

have impressed the extensive and powerful religious values of the Gimbat area on senior NLC thinking. Merlan posited a unified regional Bula sphere of influence:

Whilst the matter cannot be measured precisely it is submitted that all of Gimbat and the Upper Katherine River at least as far south as Upper Eva Valley, are thought to be in "Bula country" and to lie within the sphere of influence of the Bula sites. . . . The Bula sites are widely distributed, generally within the area of Gimbat Station and quite far flung over the station's total area. . . . [T]he Bula sites dominate the entire Gimbat and Upper Eva Valley landscape. (NLC 1984: 22.9)

While Gimbat itself could still not be claimed, both the NLC and the Sites Authority sought to insert the Aboriginal interest into a policy debate about the future of the area that was dominated by miners and environmentalists. In addition to the sites data that it supplied to the Land Use Study, the Authority also forwarded a paper by Chaloupka (1980) arguing that the immediate resumption of Gimbat pastoral lease was necessary to preserve its Aboriginal art and mythological sites, a concern that he subsequently argued to be even more important than catchment protection of the South Alligator River (Chaloupka 1981: 20). Chaloupka, the Authority and the NLC further referred to contemporary Aboriginal attachments to the area, and proposed that its incorporation into Kakadu would provide the means by which the concerned clans could properly monitor and control development there. In successive years 1983–85, the NLC highlighted to the Federal Government the importance of protection of the Bula site complex within any proposal for future management of the area.

By the time Coronation Hill emerged as an issue in late 1985 then, sacred site protection was installed as an important element in representations of the Aboriginal interest in proposed land-use regimes for the area. At the end of 1985 and in early 1986, such representations were directed to two audiences. The Senate Standing Committee on National Resources began an inquiry into the potential of the Kakadu National Park region, and two Federal departments began work on a Cabinet submission on the future of the proposed Stage III area. While the NT



Government again argued for a return of jurisdiction over Gimbat and Goodparla to allow planning for multiple land-use development, the Authority and the NLC emphasised to Ministers the gravity of the sacred site protection issue, again attempting to introduce the Aboriginal perspective as an independent third voice alongside mining companies and environmentalists.

## **The Jawoyn**

Notably, however, that third voice was still learning to speak for itself. Gimbat lay within the northerly reaches of the territory of the Jawoyn language group. By the mid-1980s there were no Jawoyn resident there, though small numbers had worked and lived there under previous lessees. Now they resided in many directions, but predominantly in a large arc from Pine Creek to the east, in and around Katherine town, to Eva Valley station and Barunga settlement to the south. In the still new and unfamiliar legal environment of the early 1980s, the Jawoyn were taking their first tentative steps towards community organisation, commercial enterprise and political assertion. There seem to have been three factors in local affairs at the time that tended to highlight Jawoyn identity as a relevant orientation for people, and which might thus have promoted a collective Jawoyn self-consciousness.

The first was the politics of Aboriginal living areas around Katherine town. In the decades of the 1950s and 1960s there were many small informal Aboriginal camps scattered around town, mostly along the river. They were occupied by people of several language groups from different directions, many of whom came in seasonally from the cattle stations to the south and west. This was the period during which the language-group identity of the town area was shifting from a mix between Dagoman — the original owners — and Jawoyn, to a widely acknowledged unilateral Jawoyn-ness (Merlan 1998: 131-40). This process had been fostered in part by the long-running physical encroachment of Jawoyn from the north-east, such that, 'in the immediate postwar period, Jawoyn (and Mayali)

were the only ones left in any numbers on the river to the north of the township' (Merlan 1998: 132).

From the mid-1960s, dismissal of workers and removals from the stations and rising unemployment on the government settlements increased the numbers and permanence of Aboriginal campers of various affiliations, while the development of Katherine town reduced their camping options (Merlan 1998: 19-20, 41-42; Lange 1981: 1-2). Municipal planning addressed the problem with a development at an area known as the High Level, immediately north of town across the Stuart Highway bridge, that served as a common residential area for incoming town campers in the 1970s. This culturally inept strategy appears to have affronted a Jawoyn sense of priority and separateness. A report written after the abandonment of the project accords them a traditional status.

The Miali Djuan people, the traditional and permanent residents of Katherine who had always resided on this site were forced to vacate the area because of the social disharmony the new idea caused. These people moved to the area now known as Miali Brumby some 200 yards from the High Level . . .

In the next few months developments at Miali Brumby will commence. Kalano [Association] envisages this area will go a long way towards satisfying the needs of all long term permanent Aboriginal residents of Katherine. This basically means the Djuan Miali clique. These people have told Kalano they do not wish to share this Lot with any other tribal groups and in fact at a number of Kalano meetings they have forcibly voiced this opinion. (Lange 1981: 1, 3)

The second circumstance was the mode of presentation of the Jawoyn (Katherine Area) Land Claim (see above). Ritchie (1999: 260-61) comments that the intensive work involved in preparing and presenting a claim under the Northern Territory legislation will predictably impress upon the claimants aspects of their own descent and ownership that they would previously have had no cause to reflect upon. The experience, characteristic of claim hearings, of being asked to identify the group of people that exercises spiritual responsibility for various sites on the land under claim, and of repeatedly answering or hearing others answer 'Jawoyn', must, I

surmise, have made more salient than before the standing of that collective Jawoyn entity as a land-owning group in the consciousness of the claimants.

The third circumstance was made up of a range of practical issues that people, in their capacity as Jawoyn, were being called upon to consider during the early 1980s, mainly by attendance at meetings convened by the Northern Land Council. Thus, when David Cooper of the Sacred Sites Authority attended a meeting of about 120 Jawoyn people at Barunga in September 1985 to propose a site survey of the upper South Alligator valley (see chapter 3), his opportunity to speak came near the end of a lengthy agenda. The other matters put to the meeting by the NLC related to the progress of the Katherine Area Land Claim, the legal status of the Jawoyn camp at Katherine Gorge, the prospects for a tourist enterprise in the Gorge, a land claim over Eva Valley Station, a buffalo contract, royalty distribution, the construction of a major gas pipeline through Jawoyn country, planning for management of the anticipated Kakadu Stage III with the Parks Service, mineral exploration clearances on Eva Valley, development of Tindal air force base to the south of town, and other sacred site protection issues at a local quarry and at sand mining areas on the Katherine River.

Progress on all these fronts depended critically on the advice and professional services of the NLC and the Authority in Darwin, and on the commitment of a few white 'helpers' in Katherine (Bauman 2001: 209-11) who sought, through personal friendship and politically conscious alliance to assist local Aboriginal people to make a transition from subordination to effective self-determination. An emerging local infrastructure of community organisations was fostered by these activists in concert with an equally small number of educated Aborigines who began to adopt secular leadership roles. Personal connections and familiarities established in this period later played through the Coronation Hill dispute. Notably, four people who worked in Katherine Aboriginal organisations during these years later worked for the NLC during the dispute, including the NLC Director, John Ah Kit. Ah Kit's



successor, Mick Dodson, was born in Katherine and worked as a legal officer in the NLC Katherine office in the mid-1980s.

In 1985 the NLC established the Jawoyn Association as an incorporated body that could manage land titles and funding flows from government and business enterprise on behalf of the Jawoyn. Throughout the rest of that decade, the Association remained weak and poorly organised, acting mainly as a political front for the Jawoyn during several years of contention with a conservative white political culture in the Territory. Political animosity in Katherine reached its zenith in the late 1980s, when Katherine Gorge, the region's primary environmental, recreational and tourist attraction, was transferred to Jawoyn ownership.

## **Conclusion**

Thus, at that moment in October 1985 when the Authority registered a sacred site over most of Coronation Hill, thereby turning exploration work there into a public administration issue, several sets of interests were already in play over the future of the area (eg. Adams 1986), and the attention of the Federal political arena was engaged. But in terms of capacity, knowledge and awareness, the Jawoyn were not well prepared for this debate. They did not yet have the organisational maturity or political experience to manage the issue themselves, and in any event the law required that they operate through the mechanism of instructions to those external organisations with a protective and supportive charter. When in early November 1985 a group of eight senior Jawoyn toured the proposed Stage III and other parts of Kakadu to learn of future management options, NLC and ANPWS officers accompanying them agreed that in view of the group's evident limited knowledge of the area and unfamiliarity with Park matters, all proposals should be treated as preliminary and subject to further research and consultation over the next few years.

If knowledge might take time, Jawoyn awareness could be raised more rapidly. Three senior Jawoyn visited the upper South Alligator valley and Coronation Hill with David Cooper in September 1985, and that larger group just mentioned visited in November. A Jawoyn Association meeting of 52 people at Rockhole camp in January 1986 gave the issue of mining at Coronation Hill their concerned and somewhat anxious attention amongst twelve other matters for discussion. Then at a smaller Jawoyn meeting at the Katherine Low Level Reserve attended by Authority and NLC personnel early in February, Coronation Hill and Bula sites in Gimbat were the first matter on the agenda. Ellis, the Authority Director, displayed site maps and advised of discussions with BHP concerning its mining proposals and with the Gimbat lessee, Helmut Schimmel, on his tourism proposals. He arranged a process by which he could consult with the Jawoyn on these matters, and explained the need for further field research and site documentation. Authority officers recorded video footage of the three senior custodians, another senior Jawoyn man, Peter Mitchell, and a prominent Barunga woman, Phyllis Wiynjorrotj, making statements about the dangers of mining in the Bula area. Ellis arranged for Peter Jatbula and Sandy Barraway to assist in preparing a public video explaining Jawoyn sacred site concerns, and to travel to Canberra to show it. He explained:

Our voice from Northern Territory, little tiny voice compared to their voice. So we've got to try and talk up strong, talk up loud so people hear it and understand what's happening up here because, Northern Territory's a long way away from Canberra . . .

So it's very important this year that we work hard on this one. It's gonna be big story, big one.<sup>9</sup>

With this, the Jawoyn were shepherded into the first public self-presentation of their interest in the Gimbat area.

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<sup>9</sup> Meeting at Low Level about Coronation Hill 3.2.86, Aboriginal Areas Protection Authority video.

## **PART 2**

### **FRAMING CONTRADICTIONS**

**Chapter 3   Contradictions and the Theatrical Frame**

**Chapter 4   Context 1: What Kind of Theatre?**

**Chapter 5   Context 2: Jawoyn History**



## CHAPTER 3

### CONTRADICTIONS AND THE THEATRICAL FRAME

The debate over sacredness at Coronation Hill that went on between the various organisations and interest groups with an administrative role in the process or a political stake in the outcome, was driven by a presumption that it was at all points a secondary discourse. That is, it was presumed by its protagonists to be a contest over how to correctly understand another discourse that they imagined was located within the Jawoyn community, concerning the intrinsic values of Coronation Hill and Sickness Country. The relevant laws<sup>10</sup> labelled that primary discourse 'Aboriginal tradition', and took it to be an endogenous entity. The consequent procedures and politicking had in principle to share that presumption, and so placed great weight on the instrument of direct consultation with the Jawoyn, especially the senior individuals. I therefore continue in this and the next two chapters with an inquiry into the detailed substance of Jawoyn performance, before moving outwards to the dispute between organisations and the external play of debate and strategising over land management in that area. Fundamental to this structure, and to my view of the debate, is that Jawoyn performance was an elicited response, not an autonomous expression, and that there is no separation possible between the substance of the response and the conditions of elicitation.

This chapter begins to look in detail at certain events that took place during the course of the Coronation Hill issue from late 1985. I have selected these events for their bearing on the argument, so the material discussed here suffers from a lack of narrative continuity. While I try to ameliorate this by providing a few preliminary comments prior to each detailed description, I also refer readers to the Appendix

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<sup>10</sup> Aboriginal Land Rights (Northern Territory) Act 1976, s. 3; Aboriginal Sacred Sites Act (NT) 1978, s. 3.

where I provide a chronology which will more fully supply the missing context of sequenced events.

### **The starting position**

I ended the last chapter with reference to the meeting of 3 February 1986, and mentioned the video recording conducted there by the Authority. This event offers us a starting position. It occurred a few months after Cooper introduced Coronation Hill to some senior custodians as a site of current management concern, but before the BHP project team had begun putting their countervailing interest in the area directly to the Jawoyn. This meeting thus took place near the end of a period of unilateralism in the way Jawoyn assessed the values of the region. The statements recorded here offer a concise account of what five senior people considered to be the relevant considerations in the light of proposed mining at Coronation Hill. They thus also offer a starting position for my analysis of the way they managed that issue.

The five people who faced the camera gave extended statements. Ellis began with Phyllis Wiynjorrotj, asking her 'to say something about those Bula places and that Coronation Hill, and about why they are important to you, why Aboriginal people worry for those places'.<sup>11</sup> Wiynjorrotj responded by emphasising the cataclysmic effects threatened by mechanised work, the distribution of authority and rights of access within Aboriginal society, and the need for white men to defer to Aboriginal knowledge.

Well, that dreamtime. You know, you can't go there. Even me-fella woman can't go there, only for man. That's all they allow, man. But woman no allow. If they drill 'em that thing now there, well might be, you know, him bit shakin', and blow up. That one we frighten, me-fella Jawoyn people. Him very important really. Very hard you know for white man. Might be

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<sup>11</sup> Meeting at Low Level About Coronation Hill 3.2.86, Aboriginal Areas Protection Authority video.

why we talk to white man, him really important, well they should listen. No matter what him. Big high man, or low man, him should listen, longa Aboriginal people you know? Old people. But before, only old people been all day used to go there, for that sacred site, I just say dream site, because really big one that one. If they drill him now, well that mean finish. We all burn, you know? Grass gotta burn, tree, and water, that one. Me-fella bit worry you know? Really, you know, important one. Before, young people no more been all day go. Young teenager, and their sister. Old people. Really grey. That one they been all day used to go and sit down you know one side longa him. And talk to him. But, no more. Really him [unclear] one, you know, very hard. Very hard, I'm worry myself too. If something happen there now, or a white man just push 'em up, you know why we talk, tell 'em, and they don't listen, they go through there, well they damage 'em might be put a machine, well that one you know, him bit shakin' now. Shakin'. Yeah. You know I can't say much, because when I been young I didn't go there. Only my grandfather and my father used to go there. Belonga old these two old man here, my grandpa. It's only old people been all day look after 'em that place, not young people. Even not woman. Not kid. Can't go near. Really important.<sup>12</sup>

The microphone was next placed in front of Nipper Brown. He began in language, named several places, then restated the unique dangers that Bula presented — 'him different altogether' — using English similes of volcano and earthquake. He repeated the prerogatives of old people, confining their exercise to the past as Wiynjorrotj had, and talked also of how individual deaths could follow wrong behaviour in that area.

. . . Young boy not go. Only that one old man sit down. No more. Only old people him go there, before, they been all day [unclear], all the old people. No more young boy, nothing. He [unclear] no good. By and by they die there. Something him kill him. That rock. When you bump 'em you gotta finish there. That thing might be, he kill you sometime . . .<sup>13</sup>

Sandy Barraway, seated next to Brown, elaborated on the theme of the separate capacities of young and old, and the unmanageable and inexorable nature of what follows upon different levels of interference with such sites.

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.



. . . All that lot old people my grandpa, used to talking about you know. Before, all young people we didn't near that country. No more look about sugar bag, goanna, all that sort of business. Sugar bag or kangaroo. All that country, used to walk round long way. Out, we been keep out from that country. We never go down that place you know. No humbug round that rock. No more go down that place. No more kill 'em fish longa that [unclear], when that dreaming place we never even kill 'em fish or goanna like that. We used to keep out long way from that business . . . We used to keep out. Eat 'em plum long way, or goanna or sugar bag, all that business. Old man old my father, father belong me-two-fella Peter, all that lot my grandfa, all that lot old people. They used to go out meself, climb up that place. Sit down. Clean 'em place. Put 'em 'nother paperbark [to cover holes where Bula had entered the ground]. All that. They used to do good job. Old people. But today, you know white man no more go there. Other way might be him double up knee [a reference to a detail of the Bula myth]. He'll be dead that place, he won't come back no more. That man climb up there, to that Gimbat thing, you know, look around, [if] him bump 'em rock now, he'll be double up forever. Him can't come back, no more. He'll be dead that place, if it they go down there. If it they put that gelignite, what we gotta do? Bird, kangaroo, bullock, dog, you-and-me-now, white people, blackfella, everybody dead. This thing, this one on top here, cloud, him gotta cover 'em up you and me. Nother man gotta stay now. We all, all this lot, people, tree, all clean up. We won't alive no more. That's the dreaming we're talking about Bulademo now . . . Everyone, no matter who. No matter what area. No matter salt water. That salt water, him got a fire come out. Biggest fire. There'll be no fish. Whole lot, everybody die. All right.<sup>14</sup>

Peter Jatbula recorded two passages. He talked of how the ground would shake from daybreak to sundown, and if it didn't then stop, destruction of the world would ensue. He dwelt upon the role of his own father in secretly looking after Bula places and monitoring white activity, and explained that his own past employment commitments with whites and his father's early death had prevented a full transmission of knowledge from father to son. Nevertheless, his father's injunctions placed him under a continuing responsibility to prevent mining.

. . . When my father used to alive you know he used to take me-fella all round, all this area now. He used to show me-fella that, but, too young to go see him, that Bula business. Only that, we used to see him that, anbim we

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<sup>14</sup> Ibid.

call 'em, that draw [paintings] now. That's all. Not that main one. He's [referring to Bula] there. If him been alive he tell 'em me to go see him now, but him too late, you know, my father, like, him ready to pass away. But him been tell me not to white man go there. "Tell 'em not to go there, when I finish, so you remember this one", him been tell me. So he told me like that. So I still remember. Nother way I could have been tell 'em "Yes, go ahead", you know? We tell 'em, we like more have white people, use mine, anything like that, gold . . . Plenty gold there. Like Mt. Todd and some other places you know where they been have 'em old mine before. That been all right because they been there, old people been there too. Work, watch him them whitefella. Like, what this place, like Eva Valley, they been work that mine over there, Jawaluk. That been all right. Because my father been working, I been little boy. They used to look after them whitefella. They never been like 'em go through [named sites] and all that. Because that all Bula site . . .<sup>15</sup>

In a brief statement, Peter Mitchell added burning rivers to the apocalyptic imagery.

Taken as a starting position with respect to Jawoyn management of the Coronation Hill issue, two further points can be made. The first relates to the status of Coronation Hill as a site. It is notable that, despite Ellis' repeated references to it prior to the recording, Coronation Hill received almost no mention in these statements. Rather, they dealt more generically with the area containing the Bula presence, from which the sensitivities of Coronation Hill, within that area, might be inferred. Wiynjorrotj had at that time probably never been into the upper South Alligator valley (Merlan 1998: 88-89, 103). However, Barraway had travelled the valley on several occasions between 1976 and the early 1980s, initially to check on how close mining exploration had come to significant sites, and later for the preparation of the Alligator Rivers Stage II Land Claim and then the Jawoyn (Katherine Area) Land Claim (Keen 1980: 187-88; Merlan and Rumsey 1986: 4-8). Jatbula and Brown also participated in those land claim trips. By 1982, a complex of focal Bula sites, considered to be of extreme sensitivity and danger, had been documented by Merlan and Rumsey (see chapter 2), but Coronation Hill was by then recorded merely as a named place, Guratba, meaning wild rope. The first

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<sup>15</sup> Ibid.

Bula-related significances were attributed to it by senior custodians during Cooper's preparation of the report for the registration of the Upper South Alligator Bula Complex in September 1985 (see below). Now, in February 1986, Coronation Hill seemed to figure in the attention of these five speakers by reason of the exploration work in train there, but not as one of the points of origin, an endogenous source, of the powerful religious meanings in the landscape that cause mining to be a matter for concern generally within that region.

Secondly, the statements acknowledged that historical conditions had created inter-generational discontinuity and a relative incapacity of custodianship. These five people had seniority and knowledge within the contemporary Jawoyn polity, so they spoke confidently and fluently, but they didn't know these places like their fathers did. The old men were not heirs to a practice of management, the techniques of approach and curatorship by which their forebears used to venture into close proximity with powerful places and ensure the forces immanent there remained quiet. They were conscious of their lack of qualification. As Barraway said, if there is disturbance, 'what we gotta do?'

So these impressive testimonials to high sensitivity and absolute destruction imply two domains that lack definition or commitment for the custodians. One is the grounds upon which Bula's response to particular interferences might be predicted or prevented, and the other is the standing of Coronation Hill within the Bula cosmology. These might be seen to have opposite potentials for the practice of management. The former recommends that the custodians apply the precautionary principle and defend against any possibility of retribution, but the latter asks whether Coronation Hill is properly included within the field of such concerns.

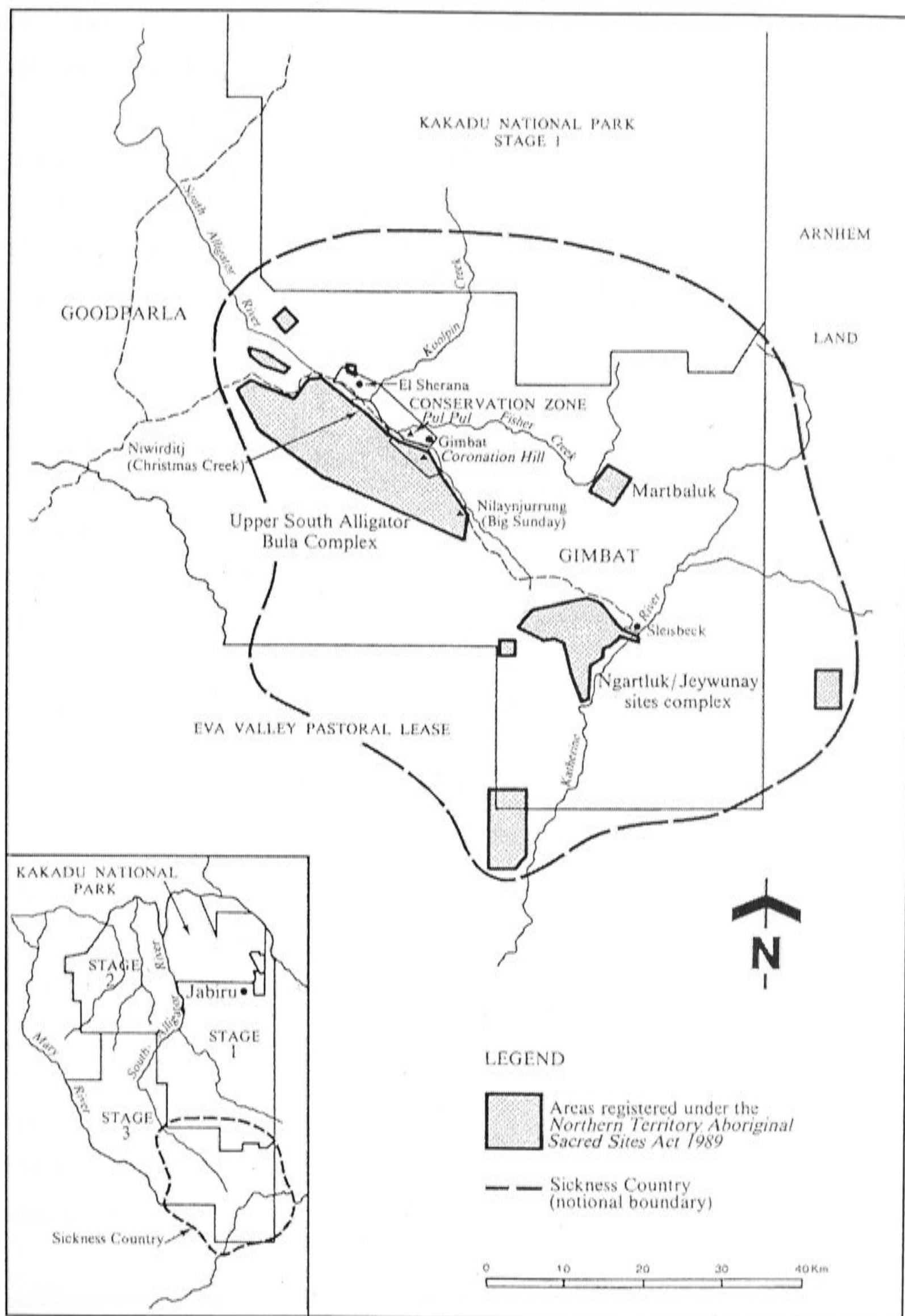
### **First field trips**

Management of the Coronation Hill issue had already begun, but had not yet become problematic. To give an idea of the quality of the interactions that took



place and the contradictory outcomes that they soon generated, I continue here with events from before and after the meeting of 3 February just discussed. This is a comparison of two field trips, one organised by David Cooper in September 1985 which served substantially as the basis of his report to the Aboriginal Sacred Sites Protection Authority for registration of the Upper South Alligator Bula Complex, and the other organised by three officers of the BHP Coronation Hill project team, Allen Linke, Foy Leckie and Peter Rush, at the end of April 1986 as part of their informal familiarisation efforts with the Jawoyn.

Once the Aboriginal Sacred Sites Protection Authority became aware in September 1985 of renewed mining interest in the upper South Alligator valley, its Research Officer for the Jawoyn region, David Cooper, put to a Jawoyn meeting (see chapter 2) the need to treat the area as a priority for site survey. The following week, Cooper visited the valley with Peter Jatbula, Nipper Brown and Larry Ah Lin, the first two being senior custodians of Jawoyn sites in Gimbat, and the last Chairman of the Jawoyn Association, and later supplemented their information by interviewing the third senior custodian, Sandy Barraway, and several other people likely to have relevant knowledge. Cooper then prepared a report for the registration of an area of about 250 sq kms on the south-western side of the valley. The Upper South Alligator Bula Complex was registered by the Authority in October 1985 (Map 5). It included most of Coronation Hill within its boundaries, and hence required BHP to negotiate permission to proceed with development. Following rejection of the BHP team's proposed work plans by a Jawoyn meeting in March 1986, the team management settled on a program of informal liaison with Jawoyn people by which they hoped to establish good personal relations with senior individuals, ascertain from them the extent and nature of sacred sites in the upper South Alligator valley, and promote greater understanding and a more accommodating attitude among them concerning the Coronation Hill project. Pursuant to that program, the BHP team travelled up the valley in April 1986 with the three seniors, Jatbula, Brown and Barraway, as well as two other senior men, Frank Dalak and Dooley Nunggulawe, and some others along for the hunting.



**Map 5:** Reduced Conservation Zone and registered sites within notional extent of Sickness Country (adapted from Stewart 1991: 4).





Cooper had access up the valley as far as Coronation Hill, and stopped also at Christmas Creek, Pulpul, and at several points along the road. The BHP team travelled up the valley about 4 kms further to just north of the Dinner Creek crossing, stopping also at several points including El Sherana, Christmas Creek and Coronation Hill. Cooper's trip took one day, supplemented by later interviewing. The BHP team hosted the Jawoyn visit at their camp at El Sherana over two nights, and spent one day inspecting the valley and a further morning in discussion. For both Cooper and the BHP team, it was the first occasion that detailed field data had been sought from the Jawoyn. These two research exercises, seven-and-a-half months apart, thus sought information from small groups of overlapping membership, including in both cases the same senior custodians, concerning almost the same tract of the upper South Alligator valley. Cooper's work led to his Report for the Registration of the Upper South Alligator Bula Complex to the Aboriginal Sacred Sites Protection Authority, which included a transcript of his interview with Barraway. The BHP team's work was documented in a ten-page file note entitled 'Meetings with Aborigines and others'. The four men who signed the request to register the Upper South Alligator Bula Complex all participated in the BHP team's trip.

With respect to the general distribution of religious sensitivities reported in each case, no complete comparison is possible. Cooper attributed most statements to 'the custodians' collectively, and merged those statements with material recovered from previous reports prepared for the Authority to produce an integrated account. The BHP people attributed statements to individuals. They also had Arndt's and Chaloupka's works to refer to, and their notes include a number of comparisons between these sources and their informants' statements about the places they visited as they travelled up the valley.

Some interesting points can still be noted. While both documents report expansive notions of sacredness, it is differently distributed. In particular, no mention was noted by Cooper of any concern for the north-eastern side of the valley, where a

number of small uranium mines had operated in the 1950s and '60s. In his interview with Barraway, he referred to a statement by Jatbula that mining activity is 'O.K. that side'. The important sites were said to 'line up' along the south-western escarpment, the boundaries of the recommended site encompassed the upland area south-west of that escarpment, and Sickness Country was said to extend further again to the south and south-east to the Katherine River catchment. By contrast, the BHP team noted that Jatbula considered lengthy sections of the north-eastern escarpment, and some of the plateau country behind, to be sensitive, while Barraway and Nunggulawe expressed concern for more limited sections of the same area.

A number of other places that the miners expected to be significant evoked no statements of concern or were apparently not known. Although there were some important religious values to be acknowledged at particular points, the general impression conveyed was of a lack of intimacy with the landscape and with its sacred meanings. An art site on the south-western side, by then an established tourist destination, was of particular interest for the custodians. These paintings had been previously documented by researchers and patrol officers, who had at times noted some suggestions of a ritual and restrictive attitude towards them from an earlier generation of informants. The main motif showing two figures was interpreted differently to Cooper and the BHP team, but their reports both record the significant point that it was understood to have been painted by Bula. The BHP team further noted that Jatbula and Nunggulawe thought Bula had gone underground 'somewhere nearby', a belief which would have dramatically intensified the sensitivities of the area. Both writers also recorded restrictions associated with the site, Cooper that women and children would have been traditionally excluded, the BHP team that photographs should not be shown to women. The two reports, however, convey contrasting tones. Cooper described the site as one of 'two Bula site foci' along the south-western escarpment, the other being the very prominent and dangerous site at Big Sunday, and his report treated the meanings and management of such places as matters of deep concern to the



custodians. The BHP report noted the custodians' relaxed, even jocular, behaviour, around the site:

Driving the vehicles in, walking around, photographing (permission to photograph was asked and given, except that the photos should not be shown to women), talking etc. did not worry the Aboriginals at all, and I (JFL) thought that behaviour would have been much subdued if the site was an extremely important site. . . . A painting of a man with an extended penis drew ribald laughter.<sup>16</sup>

That contrast is characteristic of the whole of the two documents. Cooper's was an official report in which he urged the importance of the area, the dangers it faced and the anxiety of the custodians, and mounted an argument for extensive site registrations. The BHP team's was an internal file note that recorded the events of a fact-finding exercise, including such unwelcome facts as the views of Peter Jatbula.

When I . . . said to Peter that the floor of the valley between the two escarpments might be a good place to look for gold, he said that that area was also "sacred registered for Bula", but did not elaborate on the northerly or southerly extent. I . . . replied that there wasn't much ground left then in the area to explore for gold.<sup>17</sup>

A still greater substantive contrast related directly to Coronation Hill. Describing his arrival there with the three Jawoyn men, Cooper wrote:

Aboriginal custodians expressed deep shock when they inadvertantly came across the excavations and drilling while involved in a site survey with an officer of the Aboriginal Sacred Sites Protection Authority. There seems little excuse on the part of BHP for not consulting on the site as it is marked on the Jawoyn Land Claim map (a public document) as a site of significance, and even the most cursory inquiry would have revealed it to be a site of significance. Because of such experience, Aboriginal custodians have expressed distrust for the mining companies and have resolved to seek urgent protection for all Bula sites. (Cooper 1985: 13-14)

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<sup>16</sup> JFL and PMR, 15.5.86, Note to File, Meetings with Aborigines and Others, CHJV, BHP/Newcrest Correspondence and Reports.

<sup>17</sup> Ibid.



The attention focused on Coronation Hill by discovery of mining works evoked from the custodians further statements about its significance. Cooper was initially inclined to consider it a focal site on the basis of one custodian's assertion that Bula went into the ground there, but the claim was not corroborated by others. Two other elaborations of Bula mythology were put forward. It was known from Merlan's linguistic and land claim research that the Jawoyn name for Coronation Hill, Guratba, referred to rope made from the Kurrajong tree, but this name was not then attributed mythological significance.<sup>18</sup> While preparing the site registration report, Cooper was told by Jatbula and another senior Jawoyn man, Willie Byers, that Coronation Hill was a wild rope dreaming place. In the report itself, a further connection to the Bula narrative was made: Jatbula and Barraway stated that Bula made wild rope at Guratba (Cooper 1985: 7). In addition, Barraway told Cooper that the gold at Coronation Hill was really a transmuted form of the Bula dreaming, and that use of explosives in mining there would unleash world-destructive forces.

During the BHP trip, the custodians saw again the old mine workings, but attributed no special significance to the hill or to the back valley which was being considered for the siting of infrastructure. In response to the miners' focus on the visible materiality of sites, the custodians confirmed that no art sites were located on the hill. That night at the El Sherana camp, the BHP team began an after-dinner discussion by explaining again that the trip was intended to foster mutual familiarisation that would open the way to compromise over the things in the valley that were important to both groups.

It was pointed out that although the work at Coronation Hill was only at the exploration stage, and much more needed to be done before we even knew if we had a mine there, the project could offer them some benefits.

There would be employment and limited training of Aborigines, and maybe use of some contractual services operated by them. It was also mentioned that these would be limited at the exploration stage, but if a mine developed, they could be quite significant.

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<sup>18</sup> F.Merlan, 22.9.85, Letter to D.Cooper, Aboriginal Areas Protection Authority files.

Sandy Barraway asked if we were going to make a “deal”. He was told that we could make no deal until we knew that we had a mine, and that would take a lot more work. When we knew we had a mine, after the exploration stage, then we would know what we had, and we may be able to make a deal with them.

Sandy Barraway then became very vocal and enthusiastic about the project and said it should be possible for us to resume work on Coronation Hill. Much discussion took place between the Aborigines, some in their own dialect and in pidgin. Sandy used the word royalty a number of times.<sup>19</sup>

In my view, the contradiction between what Barraway said to Cooper in September 1985, and what he said to the BHP team in April 1986, is not resolvable. It was, moreover, the first of a series of such recorded occurrences both from him and from Nipper Brown over the next two years. In some cases, these contradictions occurred from one week, or even one day, to the next. Listening to statements made by the custodians or other prominent Jawoyn at consultations and meetings at which they were present, agencies that maintained inconsistent or even absolutely opposed views about Coronation Hill thus each received repeated reassurance that they and the Jawoyn were of one mind.

### **Consultation events: frame, theatre, script, text**

During the media debate over Coronation Hill, pro-mining representatives often referred to the custodians having repeatedly changed their minds about the mining proposal. In the light of the record of consultations and meetings, and the rapidity with which inconsistent statements came upon one another, I will argue in this and the following chapters that it is more accurate to view the custodians as having maintained two contradictory positions over the same period. Consultations, interviews and field trips provided the occasion for expressing one or other of these positions, and the records made of those interactions are thus in total inclusive of both positions, and in parts detailed with respect to each. This corpus thus offers an

approach to the problem of contradictions that takes as its first step a focus on separate consultation events.

A consultation event, in Goffman's (1975: 247) terms, was a frame. That is to say it oriented the custodians to a particular mode and purpose of interaction; it posed a structure and idiom by which custodians could understand proceedings and within which they could conduct themselves. I propose to treat the consultation frame as a theatre. There has been debate on whether social action is really a form of dramatic performance, or can only be represented as such metaphorically (Hare & Blumberg 1988: 11). Kenneth Burke (1968: 448) sees his dramatism as a literal mode of inquiry into what people do, and at a different level, the playwright Arthur Miller (1988: 433-34) was struck by the theatrical appearances of life. I do not need to decide the question, but even though I rely on Burke I do not wish to claim that the theatricality I am invoking in this thesis is anything more than metaphorical. Metaphor is not identity and it works by selecting common relationships between elements. In taking consultation events as theatres metaphorically, I mean that there are some identifiable elements present in consultations that exist in the same relationship to one another as do some elements present in theatre, such that the former elements can be re-named as, and new meaning thereby imported into them from, the latter.

This notion of how metaphor can work shares much common ground with that cited by Turner (1974: 28-31) as an 'interaction view', the defining features of which he takes from philosopher Max Black (1962: 38-47). Thus, a metaphor works with two subjects, a principal subject that is being analysed and a subsidiary subject that is used to throw light on the subject of analysis. Each of these subjects are systems of things, multivocal symbols. They enter into relation with one another when a system of commonplace implications associated with the subsidiary subject are applied to the principal subject. Statements that normally apply to the

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<sup>19</sup> JFL and PMR, 15.5.86, Note to File, Meetings with Aborigines and Others, CHJV,



subsidiary subject implicitly act to select, emphasise, suppress and organise features of the principal subject. Thus, if we take the metaphorical statement 'man is a wolf', man is the principal subject and wolf the subsidiary.

A suitable hearer will be led by the wolf-system of implications to construct a corresponding system of implications about the principal subject. But these implications will *not* be those comprised in the commonplaces *normally* implied by literal uses of "man". The new implications must be determined by the pattern of implications associated with literal uses of the word "wolf". Any human traits that can without undue strain be talked about in "wolf-language" will be rendered prominent, and any that cannot will be pushed into the background. The wolf-metaphor suppresses some details, emphasizes others — in short, *organizes* our view of man.

(Black 1962: 41 - italics in original)

Thus, theatre and consultations are not the same, and their major differences are apparent from those features taken as definitive by Goffman himself in *Frame Analysis* (1975) and by Beeman (1993: 378-79) in their discussions of real theatre. So, consultations were for efficacy, not entertainment, the custodians and other participants presented themselves in some aspect of their real-life personas, the action was not make-believe, and there was no necessity for a spatially and functionally separated audience.

Both in parts of *Frame Analysis* and elsewhere, however, Goffman (1958) also analyses social action outside the literal theatre using the terminology of drama — act, part, show, performer, audience, backstage, cues — without requiring those elements of real theatre listed above to be present to legitimise what amounts to a casual and diffuse application of the metaphor (and see the 'Varieties of Enactment' selected by Hare and Blumberg 1988). In this looser usage, Goffman practised an analytical strategy which Watson, following Burke, labels a 'perspective by incongruity' (1999: 140), and which Drew and Wootton call the 'method of the "natural metaphor"' (1988: 8). This involves the systematic re-

describing of the analysed field of activity using terms from another field, including organised fields such as the theatre, team games or ethology.

[I]ncongruous metaphors work by occasioning a “look-again” technique in order to see unremarked objects anew, to render them “anthropologically strange”, by getting us to see them (or selected features of them) at one remove from the standpoint of the natural attitude. (Watson 1999: 141)

In what follows, I adopt this method of systematic re-describing. The most formal consultation events, which were those meetings called specifically for the purpose of receiving instructions from the custodians and other local Aboriginal people on some matter to do with Coronation Hill, had a number of features that sustain the theatrical metaphor. Some of these are of no special account for my argument. So, for example, those who organised transport, personnel, food and accommodation might be called the producers, and the person who set the agenda and conducted the event, the director. Similarly, there could be identifiable bracketting and episoding conventions to organise the proceedings analogous to use of the stage curtain. Such things have the cosmetic effect of making the metaphor ‘thicker’, but they are not what makes it useful.

The aim is to better understand the statements recorded during consultations by casting certain aspects of consultation events in dramaturgical terms. I thus want to view each consultation event as a theatre in which the custodians were called upon to perform their custodianship. Complementarily, they were occasions suitable for these individuals to treat their custodianship as an ‘actable idea’ (Hale and Blumberg 1988: 57-58). I take the two alternative positions — the anti-mining position asserting religious power and danger, and the pro-mining position seeking jobs and royalties — as scripts from which they could read, and the statements they made from one or other of those scripts as the texts that they generated in satisfying the requirements of their roles. This bundle of correspondences makes up the core of the theatrical metaphor that I pose as a starting point.

As these uses of 'theatre', 'script' and 'text' (and of 'producer', 'director' and 'stage curtain') are all instances of a perspective by incongruity, I note Watson's criticisms that Goffman's use of such a perspective tends to the gratuitous, applied to any number of domains of action — the 'Goffmanizing of the world' (Watson 1999: 152)<sup>20</sup> — and that it acts to legitimate Goffman's own prescription as to the form and process of social encounters at the expense of situational uniqueness and the actor's understandings of content. The former criticism is not relevant here. My use of the theatrical metaphor is restricted to the range of consultation events that I next describe. The latter, that Goffman's analysis is presumed but never demonstrated to be in accord with the participants' perspective (see also Schegloff 1988: 107-8), is a point on which I seek to differ from Goffman. The theatrical frame is, I argue, productive precisely in that it opens a way of approaching what the custodians thought they were doing when they said all those contradictory things about Coronation Hill. This is something I will begin to address in the next two chapters dealing with context.

It is necessary now to specify the range of occasions that can be treated as consultation events, appropriate for interpretation in terms of the theatrical frame. One class of these has just been mentioned. Perhaps the ideal type is that series of consultations conducted under the auspices of the Aboriginal Sacred Sites Protection Authority to inform custodians and other significant senior individuals of works proposed by the BHP team for Coronation Hill and to ascertain their instructions with respect to the acceptability of those works. In these cases, the BHP team advised the Authority office of each successive stage of project development, specifying the further work involved and the areas of their tenements lying within the registered site that would be affected. On a date agreed between the team and Authority officers, company or Authority vehicles collected Aboriginal people from various camps across the Jawoyn residential range and transported them into the South Alligator valley. Drivers made a special effort to

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<sup>20</sup> Citing a personal communication from Edward Rose.



locate and pick up the three senior Jawoyn custodians as well as at least some other older or politically prominent people, but the precise composition of the groups collected depended on what camps were visited and who was in residence at the time, and which individuals were willing to come. Numbers varied from less than ten to over thirty, including the Jawoyn trainees employed on the project. Northern Land Council officers sometimes attended. These consultations took one or two days, consisting of a site inspection at Coronation Hill followed by a meeting to discuss and decide. The site inspections took place under the guidance of BHP team members who explained their work proposals. The meetings were conducted in an open manner by the Authority Director, Bob Ellis, but after representatives of the organisations in attendance had concluded their presentations and statements, the Jawoyn men were given the opportunity to discuss matters privately. Where they wished to have such a discussion, the others present withdrew and re-convened when the Jawoyn indicated they had concluded their deliberations.

The BHP team and the Northern Land Council conducted their own consultation programs as well. The miners adopted a practice of informal liaison, field trips and site inspections with small groups of Jawoyn, often including the family members of the men employed as trainees at the project. These efforts began in early 1986 following the initial rejection of their development plans by a Jawoyn meeting, were later motivated by the need to satisfy Federal Government requirements for Aboriginal community consultation and approval, and stimulated again when they felt they needed to maintain Jawoyn allegiance in the face of challenge from the Northern Land Council and conservationists. Liaison exercises varied from individual conversations in Katherine to organised group visits to the BHP manganese mine on Groote Eylandt in the Gulf of Carpentaria. Many of these exercises, such as visits to the upper South Alligator valley by the trainees' relatives for hunting and socialising or to allow them to keep a watching brief over activities in the valley, probably are not properly regarded as theatres, and in any event no records were kept of most of them. Others, such as the trip described in the previous section, can be included within the theatrical frame.

The Northern Land Council's own consultation program was oriented more widely to the future of Aboriginal interests in Kakadu Stage III, and the theatres convened by its officers usually took the form of large community meetings at one or other of the major Jawoyn residential areas organised with the assistance of the Jawoyn Association. These ran according to an agenda, with briefings and discussion on each issue. While the NLC insisted that instructions with respect to Coronation Hill and Stage III should come from the Jawoyn collectively (see chapter 8), the three senior men were accorded special attention in these matters, and NLC officers also maintained more intimate communication with them both at and between the larger meetings. The Senate Inquiry and the Resource Assessment Commission also convened meetings that can be regarded as theatres.

There were in addition a number of field trips into Gimbat and contiguous areas conducted by researchers working for the NLC or the Authority in the company of the senior custodians and other knowledgeable men, for the purpose of documenting cultural attachments to country. These cumulative and extended site recording efforts were aimed either at proving land claims or protecting sacred sites. The most important of them for my purposes were the trips carried out by David Cooper or the consultant Ben Gunn for the Authority, focusing on mythological and art sites related to the Bula story. Some extended over several days of field work, so that as theatres they were divided internally into episodes of documentation and research separated by periods of eating, sleeping etc. The first of Cooper's trips was described earlier in this chapter.

Across this variety of forms, I take the qualifying criterion to be that the custodians' involvement in the proceedings arose from their status as custodians with respect to Coronation Hill or Sickness Country. This was their explicit role, and their actions in providing information, expressing opinions and making decisions were understood by all other actors present to be performative of that role.

Whenever an individual participates in an episode of activity, a distinction will be drawn between what is called the person, individual, or player, namely, he who participates, and the particular role, capacity, or function he realizes during that participation. And a connection between these two elements will be understood. In short, there will be a *person-role formula*. The nature of a particular frame will, of course, be linked to the nature of the person-role formula it sustains. One can never expect complete freedom between individual and role and never complete constraint. But no matter where on this continuum a particular formula is located, the formula itself will express the sense in which the framed activity is geared into the continuing world. (Goffman 1975: 269 – italics in original)

Indeed, for the custodians, it was their awareness of the expectation of others that they were to perform that role in the company of some assembled group that established the theatrical frame. Such awareness was informed by context, defined here in Goffman's terms 'as immediately available events which are compatible with one frame understanding and incompatible with others' (1975: 441). The three senior custodians, and other senior people to a lesser degree, were selected for participation in these theatres by the match between their pre-existing status in the Aboriginal domain, and the criteria of structural entitlement, age and knowledge that were indicated by the use of 'custodian' within the legislation (see chapter 6). In dramaturgical terms, there was a high degree of congruence between self and role (Hare and Blumberg 1988: 81). Thus, even in cases where meetings were organised as general community events, the person-role formula operating with respect to discussions about Coronation Hill was always constrained in a way that made the performance of the senior custodians a matter of special attention.

### **Jobs and royalties: the events of June and July 1986**

At the end of 1985, the BHP team began preparing work plans for the next dry season. Ellis advised the Jawoyn meeting of 3 February 1986 that he had asked BHP to formally submit those plans for consideration by the Jawoyn. In response Peter Jatbula asserted a prohibition on people entering the area, and he and four other senior people recorded the statements detailed at the beginning of this



chapter, emphasising that damage to the site would bring indiscriminate deaths and natural calamity. On 10 February the BHP team submitted its proposals to the Authority and requested site clearance for the next stage of testing. At a site inspection with custodians on 25 February, the team explained both its immediate plans for work in Area 1 and then Area 2 shown in Map 6, and the anticipated extent of mining and placement of infrastructure if exploration were successful. At a Jawoyn meeting on 6 March, BHP's proposals were rejected.

Up to March 1986 then, statements recorded from the senior custodians and other significant Aborigines consistently opposed mining development in the area affected by the presence of Bula. All the texts generated until then, such as those recorded by the Sites Authority at the meeting of 3 February, were drawn from the script of religious power and danger. In the first few days of July 1986 several consultation events took place that publicly interrupted that pattern and caused surprise, even consternation, among many people, especially those who believed Jawoyn opposition to Coronation Hill was a settled fact. The significance of this crowded sequence of interactions lies in the signals it produced that the script of jobs and royalties had by then become established in the minds of significant Aboriginal actors as an alternative source of texts that could be drawn on at such events.

The records of participant organisations show that the events of July were not entirely unheralded. The meeting of 3 February 1986 itself provides the earliest indication that there was a potential for the project to be evaluated in terms of material reward, in several comments critically comparing the money typically received by whites with the absence of benefit to blacks. As shown in the previous section, in the consultation theatre at El Sherana in April, Barraway then demonstrated by his statements in the presence of the BHP team that that alternative script had some currency. By May, the BHP team felt that their relationships with a number of prominent Jawoyn people were developing to a point that would re-open the possibility of gaining approval for the project. In mid-

June, the team organised another overnight visit to the South Alligator valley at the request of Wiynjorrotj. The trip included the three senior male custodians and two other senior women. The group visited UDP Falls and the Christmas Creek art site, then went to Coronation Hill. Part of Rush's notes read:

Then asked if they wanted to go and have a look at the old workings, which they did, so we drove up to the entrance of the old open cut. Showed the workings, our drill hole collars and the area that we wanted to work in.

At the open cut, Sandy volunteered that it would be alright for us to work, and a discussion took place on the benefits that the Jawoyn would get if we were allowed to work, that is, jobs and training, as they had seen on Groote.<sup>21</sup>

After escorting a group of seven Jawoyn, including Jatbula and Barraway, on a second visit to inspect BHP operations on Groote Eylandt, Rush then made another visit to Pine Creek, Edith Falls camp (Werenbun), Katherine and Rockhole, talking with people he already knew and with others he was introduced to. One of the latter was Willie Byers, a Jawoyn man who had no special custodial role with respect to Gimbat sites but was a well known and knowledgeable figure in the social networks of the region. Rush was introduced to him at Kalano by Larry Ah Lin, who by now was well-known to the BHP team as a helpful advisor. They entered a detailed discussion about Coronation Hill from which Rush noted, 'Willie emphatic Coronation Hill not a sacred site and that we could work there'.<sup>22</sup>

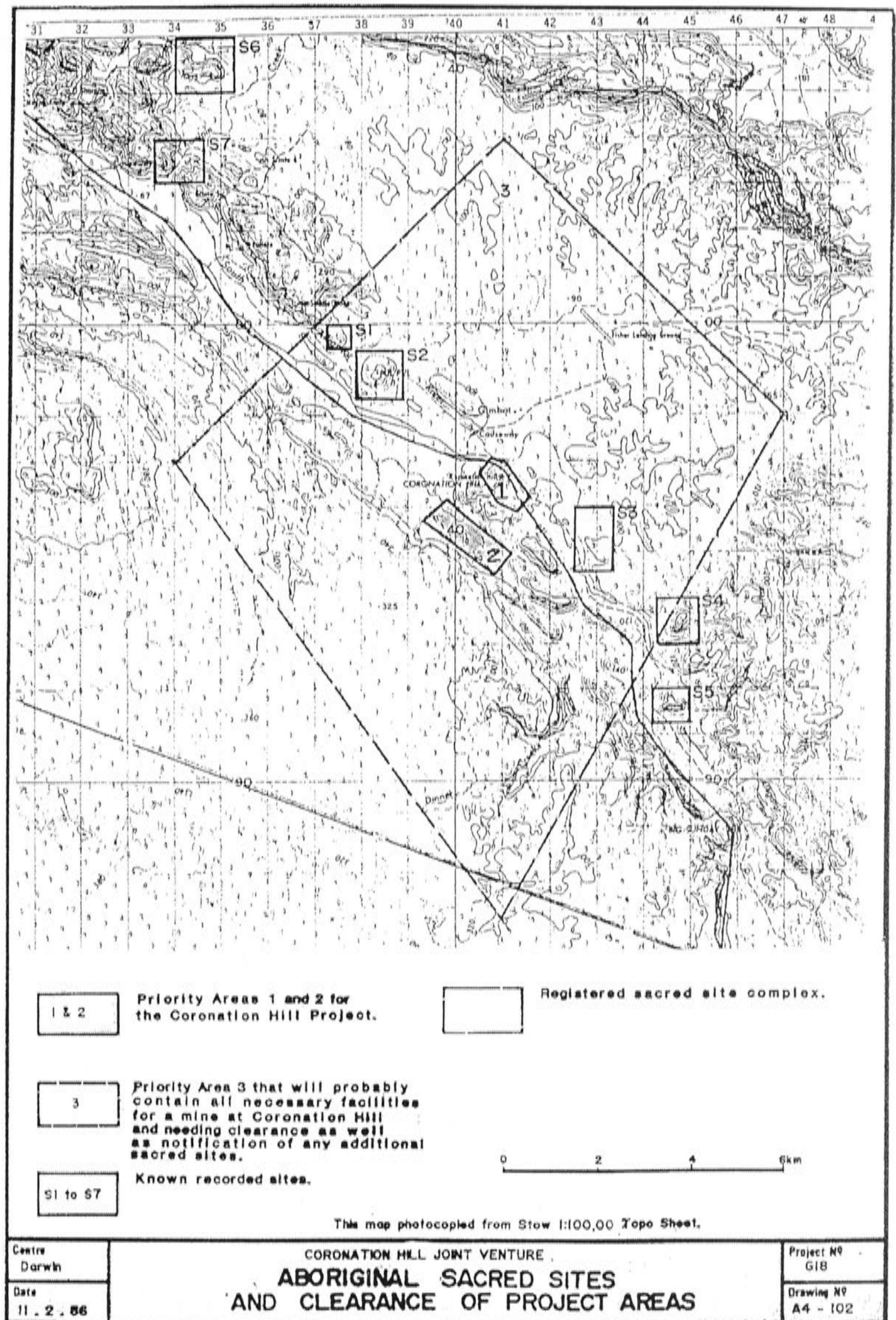
On 28 June, the BHP team and David Cooper from the Sites Authority travelled into the South Alligator valley with nineteen people from various camps, including the three senior custodians, for an overnight visit. On the first day they talked at Christmas Creek, Coronation Hill and El Sherana, and the next day the senior men

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<sup>21</sup> P.M.Rush, 16.7.86, Note to File: Notes on Meetings with Various Aborigines, 11<sup>th</sup> to 13<sup>th</sup> June, 1986, BHP/Newcrest Correspondence and Reports.

<sup>22</sup> P.M.Rush, 16.7.86, Note to File, Notes on Meetings with Various Aborigines, 24-25<sup>th</sup> June, 1986, BHP/Newcrest Correspondence and Reports.





**Map 6:** Map submitted by BHP project team to Sites Authority showing priority areas for development of Coronation Hill project. Irregular line passing through Area 1 is part of boundary of Upper South Alligator Bula Complex registered site.





and women of the group convened for a meeting at Coronation Hill. Peter Rush arrived at the meeting after it had begun. His notes portray a theatre in which the custodians occupied centre stage, and other actors entered from the wings.

When I arrived back at Coronation Hill, Jawoyn people were already having a discussion amongst themselves and J.A. Linke and D. Cooper were waiting some distance from the meeting.

I asked directions to find J.A. Linke and D. Cooper and as I left, they asked if J.A. Linke could return to the meeting. He went to talk to the Jawoyns whilst D. Cooper and the writer waited away from the discussion.

After perhaps 15 to 20 minutes, Sandy left the meeting and the writer went to the meeting. They said they had heard Allen speak and now wanted to hear me, so I talked for a short while, principally about the Groote visit and how BHP works well with Aboriginal groups, as they had seen at Groote, and how we could help them if work proceeded at Coronation Hill.

During this period, D. Cooper returned to the group. At the end the writer was told that they wanted a full meeting of the Jawoyns on Tuesday to consider giving permission for us to proceed with work at Coronation Hill. The group were apparently happy with letting us proceed, but wanted that decision to be made at a community meeting at Barunga. Peter Jatbula was apparently the main proponent of this course of action, the others being happy to give the go ahead at the Sunday meeting.

Allen spoke briefly to the meeting and then David asked to address them in private. Writer and Allen left and David spoke to them for about 5 to 10 minutes.<sup>23</sup>

Commenting on the meeting a few days later, Ah Lin corroborated Rush's view that the people present were prepared to give consent to development, having seen the effects of the earlier mining, but Jatbula had prevailed. After a liaison effort pursued since mid-March, Rush and Linke of the BHP team were by now clearly associated in the minds of the Jawoyn with the script of jobs and royalties, and they were able here to revisit the theme of the benefits that could flow to the Jawoyn from the project. While it is not clear what Cooper said to the meeting, his prior

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<sup>23</sup> P.M.Rush, 16.7.86, Note to File, Notes on Meetings with Various Aborigines, 28<sup>th</sup> to 29<sup>th</sup> June, 1986, BHP/Newcrest Correspondence and Reports.

dealings with the Jawoyn included researching the site registration report in the previous September, video-recording statements asserting sacredness and danger at the meeting of 3 February, and counselling individual Jawoyn against providing information about sites to the BHP team. He was thus by now equally clearly associated by the Jawoyn with the script of religious power and danger. In this theatre of 29 June, then, advocates of the alternative scripts were immediately at hand, though it is not clear if they were equally able to proffer each script for the meeting to select as the source of its final text.

The meeting of 1 July at Barunga, the first general Jawoyn meeting called expressly for a formal decision on development works at Coronation Hill since 3 March, took the same form. It was organised by the BHP team, conducted by Larry Ah Lin and attended by about thirty Jawoyn including the three senior men. After an initial Jawoyn discussion, Cooper was invited in to address the meeting first, and he explained the requirement for the Authority to authorise works on the registered site, and the need to verify the site boundaries. Rush and Linke then entered and spoke of BHP's good record on Groote and its willingness to respect Jawoyn concerns in the South Alligator valley, explained and illustrated their work plans, and offered jobs and training at Coronation Hill and support for the Jawoyn cattle station venture at Eva Valley. They then exited, the men and women divided for lengthy discussions and Cooper, Rush and Linke were invited back in to be told that the meeting had approved the development proposals.

The next day a fresh intervention occurred from a different direction. During June 1986, the conservative and pro-development *Northern Territory News* had published front page articles and editorials incorrectly reporting that BHP was leaving the Northern Territory out of frustration with Coronation Hill negotiations, and claiming that the site registration was fraudulent and the Sites Authority Director was driven by an anti-development ideology. The Minister for Mines and Energy employed a consultant, Stephen Davis, to inquire into the registration of Coronation Hill as part of a sacred site (see chapter 6). Davis knew the senior



custodians from his clearance work on a gas pipeline through Jawoyn country. Aware of the Coronation Hill issue, he had already made his own inquiries around Katherine concerning custodianship and knowledge of Bula, contacted the BHP team to advise them of his findings, and visited the site near Sleisbeck with the Darwin mining consultant Joe Fisher and his brother Stan between 24 and 26 June 1986.

On 2 and 3 July Davis carried out his field research for the Minister. He first recorded interviews on 2 July at the Jawoyn camp of Werenbun in which, according to his notes, Brown stated that Coronation Hill is 'nothing', 'just big hill' and that 'B.H.P. they can drill there', and that the Christmas Creek art site is 'nothing, it's nothing that one, just draw' (Davis 1986a: 3-4). His video of an interview the next day with Barraway and Brown at the Sleisbeck site, independently transcribed, included the following:

Davis:           What about Coronation Hill?

Barraway:       Coronation Hill nothing, [Bula] just came past through there.

Davis:           Nothing, just came past there?

Brown:           Yeah, go past, nothing there.

...

Davis:           ... you don't want that Coronation Hill registered?

Barraway:       No, he'll be right.

Davis:           That's all right?

Barraway:       It's all right. They can work if they want to.

Davis:           It's all right, it's open for work it's not a sacred site.

Barraway:       No, they can drill it.

Davis:           They can drill it. What about after that, what about when they ask you after that if they find a lot of gold there and they want to mine it – they want to go ahead with that

mining, what are you going to say when they say “we want to mine that” then?

Barraway: Well, we been tell them longa meeting. I told him already, you can go ahead, mining, more gold, well, you can do that.

Davis: That’s OK if they find gold they can mine it, if they find more roundabout they can even mine that.

Barraway: Yeah.

Brown: Mmm.

Davis: Right, right.

Barraway: That’s what we told them people. That royalty money can go to Katherine bank, Crossway. They can put him there, mining people. All the young people going to work there, woman, young boy.

Brown: Young boy they gonna work there now.

Barraway: Them fellas, lot of them school men, you know, when they read and write, they be work there, some fella officer, some fella they been drive him this truck. (Cooper 1986: 10, 13)

The following day, newspapers reported BHP’s success at the meeting of 1 July. The Chairman of the Jawoyn Association, Larry Ah Lin, was reported in the *Canberra Times* as saying:

On Groote we saw for ourselves how well BHP and the traditional landowners get on together and that BHP really means what they told us. We hadn’t realised before that arrangements like that are possible. Our agreement shows what can be achieved with proper discussion and consultation. The Jawoyn people regard this as a very important occasion and we are now looking forward to the development of Coronation Hill.  
(na 1986)

Any attempt to explain the altered positions of individual custodians and Jawoyn meetings in the period from early March to early July must look initially to the changed circumstances of the intervening months. It is notable that during the first formal site inspection conducted on 25 February, the BHP team presented only

their work proposals, and no mention is recorded in the minutes of any benefits that the project might offer to the Jawoyn. At the meeting of 3 March, the team's request for approval was refused. Since then, BHP team officers had ample opportunity during their liaison efforts to apprise the Jawoyn of the employment and other benefits that might arise from the mining proposal. The texts produced by Jawoyn speakers in the four-month period to 3 July are most readily understood as a response to that new information, transmitted in a series of theatres which friendly and now recognisable members of the BHP team produced, acted in and sometimes directed. In the light of subsequent events (see later), and consistent with my focus on individual theatres, it makes little sense to take these texts as evidencing an absolute change of mind about Coronation Hill, but they do show that prominent Jawoyn, including two of the three senior custodians, no longer regarded the script of religious power and danger as the only legitimate source from which to draw their texts during consultation events.

I have given these texts in some detail in order to plainly pose the problem of contradictions and to begin substantiating my approach to it. The detail itself is significant. During the Coronation Hill debate, each side attempted to explain away the decisions and testimony — the texts — adduced in support by the other side by reference to vitiating factors that went to the status of these texts as authentic indicators of custodians' feelings. These matters will be discussed in more detail in Part 3, but for the moment I want to have accepted the point that, on the face of the texts themselves, there are no grounds for discriminating degrees of authenticity between the corpus of texts drawn from the script of religious power and danger, and that drawn from the script of jobs and royalties. During the RAC Inquiry, Keen and Merlan argued such a discrimination on the grounds of voluntarism.

One kind of response has involved the assumptions that: Coronation Hill is not as central a site as some others where (for example, at Sleisbeck) there is much evidence of ritual activity, but is rather a place through which Bula passed as he moved through Gimbat (e.g. Sandy Barraway to Stephen Davis). Therefore, exploration and perhaps mining may proceed. From this, Aboriginal people may expect to derive benefits, most notably including



employment and royalties. . . . In these assumptions, there is an attempt to reduce the incommensurability between beliefs and statements concerning cosmological significance of the area, and the possibility of mining it. We have not ever known these men to suggest that mining is to be solicited or promoted; rather they have apparently sometimes accepted that it might proceed under the suppositions outlined. (1990: 81)

Similarly, Cooper (pers comm) denied ever hearing any of the three senior custodians express approval for development in enthusiastic terms. As this chapter has shown by reference to a wider range of texts, the custodians' readings from the script of jobs and royalties were not always rendered in cautious and qualified terms, nor were they restricted to narrowly functional responses to the terms of the questions put. Rather, comments in elaboration were sometimes offered, and Barraway's paraphrased statement of April, which went beyond what the miners were asking, is perhaps the clearest example of a voluntary endorsement of mining.

Indeed, while the selection here of several quoted texts from Barraway reflects his own verbal facility and readiness, it also documents the most telling individual corpus of contradictory texts from among the entire cast of Jawoyn actors. Barraway was the first and most insistent of a number of local people who impressed upon Merlan the current religious importance of Bula to the Jawoyn when she began fieldwork in the region in 1976. Having taken up residence at Barunga (then Bamyili), she was approached by Barraway and his brother Dick Wotbuy with their concerns for the security of two Bula sites from mineral exploration activity reported to have begun in northern Eva Valley and Gimbat. Merlan was imposed upon by them and encouraged by others to take them into the area to see what was happening (Merlan and Rumsey 1982: 54; Merlan and Rumsey 1986: 4-6). Merlan describes Barraway as having been at that time 'thoroughly distressed about Bula matters, especially about rumours of exploration in Gimbat' (Keen and Merlan 1990: 25).

I have thus spent more time documenting readings from the script of jobs and royalties than from the other for two reasons. The first is historical: to show that in

the period from early March to early July 1986 senior Jawoyn figures began responding to proposals with respect to Coronation Hill by reference to a script of jobs and royalties, that that script now existed as an alternative to the pre-existing one of religious power and danger, and was available to be drawn upon for texts during consultation events. The second reason is a response to the effect of the political outcome of the Coronation Hill dispute. That outcome bestowed upon the script of religious power and danger an appearance of greater authenticity than the script of jobs and royalties. My aim has been to establish that, judged on the face value of the texts produced, there are no grounds for discriminating between the scripts as to their credibility in the attitudes of custodians. I have thus tried to remove any presupposition that the script of religious power and danger has to be taken as the privileged script and any deviations from it explained by a set of secondary rationalisations. Once that is done, each theatre has to be seen in its own terms, *sui generis*, and not against a background of assumptions about what the custodians really thought. I hope that the data I have given so far and will present in the remainder of this chapter will be sufficient to suspend any such assumptions.

### **The Senate Inquiry**

The Senate Inquiry into the potential of the Kakadu region provides a further instance. The Inquiry was announced in October 1985, just two weeks after registration of the Upper South Alligator Bula Complex, so that by the time it commenced hearings in March 1986, Coronation Hill was among the resource management issues that fell within its brief. It reported in 1988.

In March 1987 the Inquiry heard evidence at Barunga. Through three sequences of questions, Nipper Brown, Phyllis Wiynjorrotj and Sarah Flora denied that Coronation Hill is of any significance with relation to Bula or that there are traditional restrictions on women going there, and affirmed that mining could proceed there safely (SSCNR 1987a: 71-72, 77-79, 88-89). David Cooper of the Sites Authority, Raymond Fordimail, a young man who had for several years taken

a prominent role in Jawoyn public affairs, and even the Chair of the Inquiry, Senator Olive Zakharov, tried to qualify the finding of an absolute denial of sacredness to which these proceedings appeared to be leading. Following the first interchange, Cooper faced sceptical questions from conservative members of the Committee as to why Coronation Hill had been included in the registered site. Senator Crichton-Browne then returned to the senior Jawoyn people before him for another laboured effort to verify the status of Coronation Hill as a question of fact.

Senator CRICHTON-BROWNE — Before you went up to Coronation Hill did you once think that there was a Bula on Coronation Hill?

Ms Wynjorroc — No.

Senator CRICHTON-BROWNE — You never thought there was one on Coronation Hill?

Ms Wynjorroc — No.

Senator CRICHTON-BROWNE — Did anybody ever think there was a Bula in that area of Coronation Hill?

Ms Flora — No.

Senator CRICHTON-BROWNE — Do you know why there is a sacred site registered which covers Coronation Hill?

Ms Wynjorroc — No.

Senator CRICHTON-BROWNE — Has anybody in this room ever asked or talked about a sacred site, a Bula, on Coronation Hill?

Ms Flora — No.

Senator CRICHTON-BROWNE — You know nothing about it?

Ms Flora — No.

CHAIRMAN — Who put in the application for registration for that area?

Ms Wynjorroc — I know myself they were mining there before, a long time ago.

Senator CRICHTON-BROWNE — Mining on Coronation Hill? Did that cause any problems?



Ms Wynjorroc — No.

Senator CRICHTON-BROWNE — Nobody cared? Nobody worried?

Ms Wynjorroc — It was all right. Everything was okay.

Senator CRICHTON-BROWNE — There were no sacred sites, no burial sites, no area of significance, nothing special at all?

Ms Wynjorroc — Nothing.

Ms Flora — No.

Ms Wynjorroc — There is just the one Bula place now.

Senator CRICHTON-BROWNE — Where is that?

Ms Wynjorroc — Up this way.

Senator CRICHTON-BROWNE — Sleisbeck — that is the big one. Is the big one the important one?

Ms Wynjorroc — Yes, very important.

Senator CRICHTON-BROWNE — But not on Coronation Hill?

Ms Wynjorroc — No.

CHAIRMAN — Do the other people here agree with that?

Mr Fordimail — I disagree.

CHAIRMAN — Would you tell us why you disagree?

Mr Fordimail — That is what I said in the first place. My father told me about the cycle of the Bula site.

CHAIRMAN — Would that be knowledge that would be just for men?

Mr Fordimail — Yes.

CHAIRMAN — So there could be a sacred site that women might not know about?

Mr Fordimail — I think that Bula is only men's business.

Senator CRICHTON-BROWNE — Ms Wynjorroc, Mr Fordimail says there could be something there you do not know about, because it is men's business.

Senator TOWNLEY — Are you allowed to go anywhere on Coronation Hill that you want to?

Ms Flora — Yes.

Senator CRICHTON-BROWNE — You can go on Coronation Hill?

Ms Flora — Yes. I was there for a couple of weeks; we camp out there, come back.

Senator CRICHTON-BROWNE — Is there a senior elder amongst the men here today? Who is the senior man?

Mr Brown — I am.

Senator CRICHTON-BROWNE — You are the chief?

Mr Brown — Yes.

Senator CRICHTON-BROWNE — Do you agree with Ms Wynjorroc and Ms Flora that there is no Bula on Coronation Hill?

Mr Brown — No. No Bula.

Senator CRICHTON-BROWNE — There is no Bula, no sacred sites, nothing at all?

Mr Brown — No.

Senator CRICHTON-BROWNE — So mining on Coronation Hill would not hurt Aboriginal sites?

Mr Brown — It can go ahead? [sic]

Senator CRICHTON-BROWNE — Is that one, Coronation Hill, okay?

Mr Brown — Yes.

Mr Fordimail — I just want to mention that the other senior custodian, who is not here at the moment, agrees with me. We both disagree that there is not any connection with Bula on Coronation Hill. (SSCNR 1987a: 77-80)

Because of Fordimail's youth, the full extent of the disagreement between custodians was not revealed until Peter Jatbula arrived. As far as can be told from the transcript, Jatbula walked into an extraordinary episode of public repudiation by the other senior people present. He began by affirming that the law he had learned



from his father prohibited mining in the area affected by the presence of Bula, and that mining should therefore not proceed at Coronation Hill. Proceeding on the incorrect assumption that there is a visible Bula site located on top of Coronation Hill, Senator Crichton-Browne asked Jatbula if he had seen the Bula at that place. Jatbula replied that they had seen 'bits of it' recently during a visit with BHP officials. Possibly he was referring here to indications of gold in BHP's drill samples. Following direct contradiction by Barraway and Brown, Jatbula retreated to the statement 'We have only seen the picture', but re-affirmed his knowledge of a Bula presence there from his father. During the same line of questioning, Jatbula stated that women should know they are not allowed to walk around on Coronation Hill, after which Sarah Flora affirmed that women go there and that children are also allowed (SSCNR 1987a: 92-103).

The Senate Inquiry was the first occasion on which what I have characterised as the third level of political process to be involved in Coronation Hill, the level of Federal inquiry and arbitration, sought its own direct access to indigenous input. I have quoted some of that input, if not as a reading directly from the script of jobs and royalties, then at least as a repudiation of the script of religious power and danger. The Inquiry could also readily draw from it a sense of intra-Jawoyn disagreement arising from the singular fortitude of Peter Jatbula. Further, however, Jawoyn testimony also offered to that third level of the process its first taste of contradiction. Prior to Jatbula's arrival, the Chairman had made these perplexed comments on the proceedings, referring to a site inspection the Inquiry had conducted earlier that day:

CHAIRMAN — When this Committee was at Coronation Hill, some people felt very strongly that it was a Bula sacred site and now they seem not to feel that. Can you account for that, please?

Mr Fordimail — When we had a talk at Coronation Hill I felt the same way that I do now. I cannot explain why they have changed their mind in saying it is not a sacred site or a site of significance. (SSCNR 1987a: 86-87)



At least some of the four custodians who were denying the significance of Coronation Hill had thus, apparently, asserted its significance during the site inspection. In addition, Cooper, caught between his need to defend the integrity of the Authority's site registration and his desire to avoid embarrassing the custodians, in the end had no choice but to apprise the Inquiry of a further instance of contradiction.

Senator CRICHTON-BROWNE — Nipper Brown, do you remember ever asking the Aboriginal Sacred Sites Protection Authority to register Coronation Hill as a sacred site?

Mr Brown — No.

Senator CRICHTON-BROWNE — Did you ever want Coronation Hill for a sacred site?

Mr Brown — No, never. There is nothing there.

Senator CRICHTON-BROWNE — There is nothing at Coronation Hill?

Mr Brown — Nothing. It is free.

Senator CRICHTON-BROWNE — You never signed any piece of paper saying: 'Make Coronation Hill a sacred site'?

Mr Brown — No.

Senator CRICHTON-BROWNE — Is Sandy Barraway here?

CHAIRMAN — Yes.

Senator CRICHTON-BROWNE — Mr Barraway, have you ever signed anything asking for Coronation Hill to be made a sacred site?

Mr Barraway — No, I have never.

Senator CRICHTON-BROWNE — Have you ever thought of Coronation Hill as a sacred site?

Mr Barraway — No.

Crichton-Browne then left that issue, but the Chair quickly returned to it.

CHAIRMAN — Raymond, do you know who requested the registration of the sacred site? Who asked for the registration of the sacred site on Coronation Hill?

Mr Fordimail — I do not know. They could have a list of names that applied for that registration of the sacred site.

Senator DEVLIN — Someone must know the names.

Mr Cooper — The names that are on the request are Sandy Barraway, Peter Jatbula, Nipper Brown and Frank Dalak. Frank is not here. They are the names that appear on the request. (SSCNR 1987a: 88, 89)

The following year, the Authority produced another video, *Bulajang: Sickness Country*, and submitted it to the Inquiry. It featured readings from the script of religious power and danger by all three senior custodians, similar to those of 3 February 1986.

## **Conclusion**

In this chapter I have documented the problem of contradictions, and begun to address it by disaggregating the senior custodians' participation in the Coronation Hill issue into a series of separate consultation events. Drawing on Goffman, I have framed each such event as a theatre, and pursued that metaphor by posing the statements and decisions made by custodians or by group meetings at each event as a selection of text from one or other of two available scripts. Custodians produced texts either from the script of religious power and danger to express opposition to development at Coronation Hill, or from the script of jobs and royalties to express assent to that development.

Two questions flow from this, through which the problem of contradictions can be further pursued. Sustaining the present focus on individual consultation events, I need to inquire into the criteria that the custodians appeared to apply in selecting their text from one or other script for each theatre. Then, stepping back, I need to look for the cultural salience of the scripts themselves, to ground them in some set

of circumstances pertinent to the engagement of the Jawoyn with Coronation Hill, but originating outside the theatres of that engagement. So, for the texts of the kind I have considered in this chapter, the next two chapters will try to provide some context.



## CHAPTER 4

### CONTEXT 1: WHAT KIND OF THEATRE?

#### Text and context

In the previous chapter I introduced the idea of treating consultation events as frames. In this chapter I want to be more specific about what was being conveyed to the custodians by their involvement within these frames. Goffman elaborates his notion that primary frameworks, social or natural,

are not merely a matter of mind but correspond in some sense to the way in which an aspect of the activity itself is organized — especially activity directly involving social agents. Organizational premises are involved, and these are something cognition somehow arrives at, not something cognition creates or generates. Given their understanding of what it is that is going on, individuals fit their actions to this understanding and ordinarily find that the ongoing world supports this fitting. These organizational premises — sustained both in the mind and in activity — I call the frame of the activity.

(Goffman 1975: 247)

Two of the concepts at play here — the actor's point of view, and the definition of the situation — are expressly considered by Goffman at the beginning of *Frame Analysis*. In his introduction to that book, and in diverse illustrations of the arguments that follow, Goffman is constantly exploring actors' perceptions, manipulations and management efforts around what it is that is going on, some initial physical and social arrangement that is objectively real. These structuring realities, 'external and prior to the individual' (Collins 1988: 58), must be taken account of by an actor in settling upon a definition of the situation. The actor is thus not free to create such a definition, but rather arrives at one that appears consistent with the data of pre-structured appearances. The understanding arrived at is verified or modified in interaction with other actors in the situation, each operating with their own definition.

The task of understanding the data of appearances, however, requires other data, drawn from fore-knowledge, to be brought to bear upon those appearances for their interpretation. This is evident in Goffman's concept of the 'information state' of an actor, by which he means,

the knowledge an individual has of why events have happened as they have, what the current forces are, what the properties and intents of the relevant persons are, and what the outcome is likely to be. In brief, each character at each moment is accorded an orientation, a temporal perspective, a 'horizon'.  
(Goffman 1975: 133-34)

Thus, in interpreting the nature of the frame they were required to participate in, the custodians had reference to more than

an immediate here-and-now, dissociated from all pasts and futures, and from connections to the lives, activities and arrangements which take place outside the instant purview of those in the situation under definition.  
(Sharrock 1999: 125)

Encountering the data of appearances in the light of their accumulated information states, custodians addressed the question 'what is it that is going on?'. An answer was readily to hand at the level of Goffman's primary framework: what is going on is a consultation event. I have suggested that the frame of the consultation event can be productively analysed through the metaphor of theatre. To this point, I have used that metaphor to present the custodians' participation in consultation events in terms of a choice between two scripts. To account for the selection of text from one script or the other on each occasion, I now need to place performance in context.

Hanks (1989: 97-100) considers three levels at which a text may be contextualised. The first takes text as a coherent and limited unit of speech and studies its contribution to the transmitting of information within the structure of some larger verbal discourse. The second focusses on the more linguistically self-contained 'text-work' — a novel, newspaper headline, or conversational exchange — and seeks its full interpretation in its interaction with social context, which might



include performative, institutional, or historical dimensions. The third denies any boundedness or unity to the text-work, locates meaning as an indeterminate function of the interaction between author, text and reader, and thus tends to merge the text into the ideological environments of its creation and reception. The approach I adopt here falls more clearly within the second of these rather than the linguistic and deconstructionist alternatives.

Social context, however, is an infinitely expandable thing. If 'it is only in union with the sociocultural world outside that [a text] becomes whole' (Hanks 1989: 104), how much of that world participates in the union? This is Hanks' issue of scope (1989: 110), or for Bauman and Briggs, the problem of inclusiveness or 'infinite regress' (1990: 68), the question of how much context is needed to understand a text. The aim of this and the next chapter is to identify two dimensions of context necessary to understand the texts generated by Jawoyn custodians with respect to Coronation Hill, or more specifically, to understand their acts of selection of one script or another. The orientation of the custodians was worked upon both by the character of individual theatres, and the themes of Jawoyn regional history.

### **Scene and script**

The former is the subject of this chapter. What the metaphor of theatres allows us to see is that the initial orienting question 'what is it that is going on?', once answered at the level of primary frame, then has to be answered again at a more discriminating level. If a consultation event is a theatre in which custodians are called upon to perform their custodianship, then the question in its supplementary form is whether a particular theatre is appropriate for a reading from the script of sacredness and danger, or from the script of jobs and royalties. The kind of theatre as apprehended by the custodians, then, is the subject of this chapter. Like the first framing question, it necessarily involves both the data of appearances and accumulated information states, the latter bearing upon such things as the identity



and organisational affiliations of known individuals, local geography, personal histories and structural positions, laws and administrative procedures, and the current state of government policy.

A review of the various consultation events and their outcomes suggests a pattern to begin with. Where the custodians were called on to inspect and consider proposed mining development works, they were inclined to make pro-mining statements; where they were engaged in field trips for the purpose of documenting Bula sites in Sickness Country, they were inclined to make anti-mining statements. In other words, the overt purpose for which the theatre is constructed seems to be a criterion guiding the custodians' choice of script, and production of text, for that event.

In these instances, however, the purpose cannot be said to dictate the choice of script in any transparent way. Considering proposals for mining development does not of itself require pro-mining statements, only a choice one way or the other. Documenting sacred sites at a distance from the proposed development does not require anti-mining statements, or any statements about mining at all, unless the subject is raised and the custodians in responding are put in mind of prohibitions by clear pre-existing doctrinal knowledge of a mythological connection between the documented site and the mining site, which categorical knowledge, as I have indicated, they did not possess. There is thus the question of what aspects of these exercises were salient in influencing the custodians to produce texts of one kind or the other.

One aspect appears to be physical location, the scene. I am invoking here what Burke has called the scene-act ratio, to label the correlations by which the scene can be understood to 'contain' the acts that take place against its background.

It is a principle of drama that the nature of acts and agents should be consistent with the nature of the scene. . . . The nature of the scene may be conveyed primarily by suggestions built into the lines of the verbal action itself, as with the imagery in the dialogue of Elizabethan drama and with the

descriptive passages of novels; or it may be conveyed by non-linguistic properties, as with the materials of naturalistic stage-sets. In any case, examining first the relation between scene and act, all we need note here is the principle whereby the scene is a fit “container” for the act, expressing in fixed properties the same quality that the action expresses in terms of development. (Burke 1945: 3)

Within this relationship of containment, the scene implies what the actors should do.

From the motivational point of view, there is implicit in the quality of a scene the quality of the action that is to take place within it. This would be another way of saying that the act will be consistent with the scene. Thus, when the curtain rises to disclose a given stage-set, this stage-set contains, simultaneously, implicitly, all that the narrative is to draw out as a sequence, explicitly. Or, if you will, the stage-set contains the action *ambiguously* (as regards the norms of action) — and in the course of the play’s development this ambiguity is converted into a corresponding *articulacy*. The proportion would be: scene is to act as implicit is to explicit. One could not deduce the details of the action from the details of the setting, but one could deduce the quality of the action from the quality of the setting. (Burke 1945: 6-7 — italics in original)

So we can imagine that, during development consultations, as people are brought into the presence of friendly and familiar mining company employees, accommodated and fed at the El Sherana camp, shown around the exploration site with its roads, drilling benches and machinery, that an identification with the purpose implied by all of this may occur, enhanced by the presence of Jawoyn trainees in work boots and hard hats. Similarly, travelling around country by vehicle, helicopter and foot for the purpose of placing the narrative details of the Bula myth into the terrain as it was encountered, matching places seen against fragments of stories remembered, and being struck here and there by large galleries with vivid and suggestive motifs which Bula himself must once have painted, the same people were put in mind of the expansive reach of his power casting a sheen of mythological presence over the Gimbat valley and its upland surrounds, perhaps more so when their finds included ochred bones from the ceremonies and burials of their antecedents, sometimes including their own identifiable relations.



But this can only be a beginning, for two episodes given earlier already contradict this correlation. On the first, little can be said. It will be remembered that at the Senate Inquiry hearing at Barunga on 9 March 1987, the Chair made reference to an earlier site inspection of Coronation Hill at which 'some people felt very strongly that it was a Bula sacred site'. That inspection was apparently conducted informally, and I have located no descriptions, let alone transcripts, of the event. The second episode was Davis' interview with Barraway and Brown of 3 July 1986, in which they denied the mythological significance of Coronation Hill. This occurred at the focal Bula site near Sleisbeck, a site striking for the immediate physicality of a very large bone deposit and a gallery featuring a series of mythological motifs, and for the nearby presence of a point where Bula is said to have gone underground. Here we can follow Burke's lead again, expanding the notion of scene and treating it as more perspectival (from the actor's point of view) and more evolving, by including within it the other actors present, especially those who actively 'set the scene', so to speak, explicitly or implicitly framing the theatre by outlining its purpose or intention. 'For the characters', says Burke,

by being in interaction, could be treated as scenic conditions or "environment," of one another; and any act could be treated as part of the context that modifies (hence, to a degree motivates) the subsequent acts.

(1945: 7)

Davis had been unusually explicit in framing the intent of his field trip with the custodians into the upper South Alligator valley. He had discussed Coronation Hill with some senior Jawoyn in the weeks and days before his trip, and formed the mistaken impression that Barraway had never been to the Sleisbeck site before. The story that he was preparing for his report to the Northern Territory Minister for Mines and Energy was that the custodians had agreed to the registration of the Upper South Alligator Bula Complex because they had been led to believe that Coronation Hill was the location of a set of 'site elements', consisting of a waterhole, stone pathway and rock shelter as documented and illustrated by Arndt (1962), that were in reality located at the Sleisbeck site (Davis 1986b: 3-4).



Moreover, now that he had provided them with the opportunity to see the Sleisbeck site and satisfy themselves that it was safe, they could comfortably resile from their previous statements asserting the importance of Coronation Hill, allow mining to proceed, and begin looking after and transmitting knowledge about the Bula cult and its genuine location. With respect to fact, interpretation and argument, many criticisms could be made of the report that Davis later built around this story, but I am here concerned with the story as scene-setting for the consultation event that followed. Showing several prominent men and women the Arndt photos of the Sleisbeck site, he proposed his field trip as a necessary complement to the approval for development given at the Barunga meeting the day before, and using leading questions, he elicited statements in accord with aspects of his story before the field trip began (Davis 1986a). Later then, within the theatre of the Sleisbeck interview (see chapter 3), Davis established a scene that could be interpreted by Barraway and Brown as implying a reading from the script of jobs and royalties with respect to Coronation Hill.

The following day, in another theatre in Katherine where the scene was set by an individual favouring a reading from the other script, the custodians delivered such a reading. The main organiser here I will call Darren Bennett, a young man who played a prominent public role in Jawoyn affairs. Bennett had telephoned an NLC lawyer on 1 July and said that the Jawoyn had consistently opposed the Coronation Hill project and would stand by that position. He was present at the 1 July meeting for a short time during which he made some comments affirming the status of Coronation Hill as a sacred site, then left when he felt confident that the sentiments of the people in attendance were firmly against development. As he walked away, he told David Cooper that the meeting would vote against the BHP team's proposals and would further tell the team to cease its liaison efforts with Jawoyn people. When Bennett was advised that the vote had been to the opposite effect, he rang Mick Dodson to express his unhappiness and request NLC attendance at another meeting.

In opening the meeting of 4 July at the Low Level Reserve, Bennett called over the people in attendance to inspect models of Coronation Hill and its surrounding area that the BHP team had provided as part of its liaison program. As people looked down on the models, Bennett pointed out the line marking the boundary of the registered site and emphasised firstly, that drilling was proposed for an area inside the boundary, 'right where them sites are', and secondly, that people had to keep in mind that Bula was of concern not only to Jawoyn, but that 'we've got all the other tribes watching us'.<sup>24</sup> Sacredness was thus asserted in a manner that called for deference or compliance from those present. Bennett thus attempted to frame the theatre as one appropriate for a reading from the script of religious power and danger.

As the group settled into discussion, Bennett twice responded to questions from Dick Garrad about money by explaining that the Jawoyn would not be entitled to royalties, and by casting doubt on any promises of employment. The alternative script that some custodians had drawn on since March was thereby dismissed. Barraway endorsed that dismissal:

If you give it now, you won't get any royalty money. Nothing. You get nothing.<sup>25</sup>

Discussion then turned to the 1 July meeting and the BHP team's liaison program. After the meeting had been in train for forty minutes, Peter Jatbula stood up, moved to the middle of the group to look down at the models, then quietly made some statements that provided the meeting with its deciding text. He said that they would have to stop the mining because the place was their sacred site, that he sought to carry on his father's record in preventing mining in such areas, and that Larry Ah

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<sup>24</sup> Jawoyn Meeting re Coronation Hill at Low Level 4.7.86, Aboriginal Areas Protection Authority video.

<sup>25</sup> Ibid.

Lin had not been strong enough as Association Chairman in his dealings with the BHP team. Ah Lin replied:

Well daddy, if that's your decision, we'll have to take it. All right?<sup>26</sup>

Bennett announced he would have Barunga Council revoke the BHP team's permit to visit the settlement, and Barraway added another statement, in contrast to the other texts he had produced in recent months:

You got to listen to me now this one story I tell you mob. This one story everybody talk "yes". You just close him up that thing. I don't want to drill him, that mining. He says "no", he says "yes". Everybody talk "yes", well you finish, close him up. All right? You all the Jawoyn here you fella want to talk "yes". Everyone. Even white man come up say, BHP mob [unclear] "here, I'll give you money. You run me down there, you show me". That sort of business no good [unclear] talk yes, yes.<sup>27</sup>

The framing, the 'scene-act ratio', operating through the efforts of Bennett, thus invited readings from the script of religious power and danger by the two brothers, Jatbula and Barraway, whose centrality to the discussion was repeatedly acknowledged by others. Bennett's framing tactics, however, did not ensure unanimity throughout the discussion. Nipper Brown loudly insisted that the drilling should be allowed, but, being intoxicated, he was ignored or reprimanded, and at the end of the meeting he joined in the vote against mining. Dick Garrad at first made brief comments acquiescent to development, then vacillated, but he was not one of the three acknowledged senior custodians and he deferred to their opinions. The positions adopted by Jatbula and Barraway now changed the scene for him so that, following Barraway, he offered:

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<sup>26</sup> Ibid.

<sup>27</sup> *ibid.*



Ceremony is there, ceremony ground, please. We just close it and close it and leave it. No whitefella go there.<sup>28</sup>

It is notable that Brown and Garrad expressed dissent in terms that did not violate the presuppositions Bennett had presented as a scene for the meeting. There was no denial by either that the proposed works were to occur at the location of a sacred site. Their statements during the first half of the meeting instead recommended that the place be surrendered, or 'given up', to the miners. Bennett's framing work was thus left unchallenged, but it could not eliminate a residual latitude for those divergent texts. Jatbula and Barraway allowed their own acts to be contained by Bennett's scene, and their statements at the mid-point of the meeting settled the issue, bringing Garrad into agreement and leaving Brown in silence. The meeting then moved to its next phase, a lengthy discussion of strategy. Unlike at the 1 July meeting, Bennett saw the event through. At its close, he mustered everyone to raise their hands in support of the negative vote.

Bennett's role as convenor and participant thus went beyond the neutral framing of the occasion as a consultation event, in Goffman's terms, to an active setting of a scene that would contain the acts unfolding within it, in Burke's terms. Ellis had done the same in a more transparently directorial manner at the meeting of 3 February (see chapter 3). In regard to the choice of script that they recommended, these contrasted with Larry Ah Lin's scene-setting introduction at the 1 July meeting at Barunga. There he referred to the era of mining in the 1950s and showed literature sources by Arndt and Chaloupka that documented a distribution of significant sites different to that now marked by the site registration. Indeed, Sarah Flora's single contribution to the discussion on 4 July featured a repudiation of Ah Lin's efforts on 1 July, by his 'little bit smart talk there', to set a scene that would contain the custodians' acts and favour a reading from the script of jobs and royalties.

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<sup>28</sup> Ibid.

First time we been go have meeting, we been say "No". First meeting we been say "No". Second meeting again we been go, we been take that bloke over there, Larry. Now, that's why maybe, Larry, you been little bit smart talk there. . . . What you been say, you been ask him that old man Peter Jatbula, and two-fella that old man Sandy Barraway, and me and Phyllis, and Captain Andrew, when we been go, all right. You said that and Nipper and that olgamun Queenie, and we went there, and, you been say, "May as well, just give it one way". . . . Right, I been thinking about this. Those old man there, Peter, this old man we no been like to say you know, "Yes". Me and my sister we been say "No". All right we [unclear] for that. Well you been say "Oh, let us all have to give it, make him one job". That been why European come and humbug round.<sup>29</sup>

Flora's insistence at this meeting that she (and Wiynjorrotj) had previously opposed development at Coronation Hill is of interest also in that, as shown previously in the extracts from the Senate Inquiry hearings at Barunga, it adds to the cast of senior Jawoyn who read from different scripts on different occasions.

### **Development consultations**

In the last section, I posed the relationship between scene and act for its significance in determining the production of texts at consultation events, and expanded the concept of scene to include such scene-setting factors as introductory comments, and further, the ongoing roles of some actors as part of the evolving scene for other actors. In this section I intend to look at the sequence of approvals for development works at Coronation Hill that Jawoyn groups gave at a number of consultation events held between October 1986 and August 1987, in order to further explore the character of those scenes that consistently favoured readings from the script of jobs and royalties.

Despite the resolutions passed at the meeting of 4 July, the Authority confirmed the authorisation it had sent to the BHP team to proceed with development works. The team resumed work in August 1986. Two further consultations regarding

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<sup>29</sup> *ibid.*

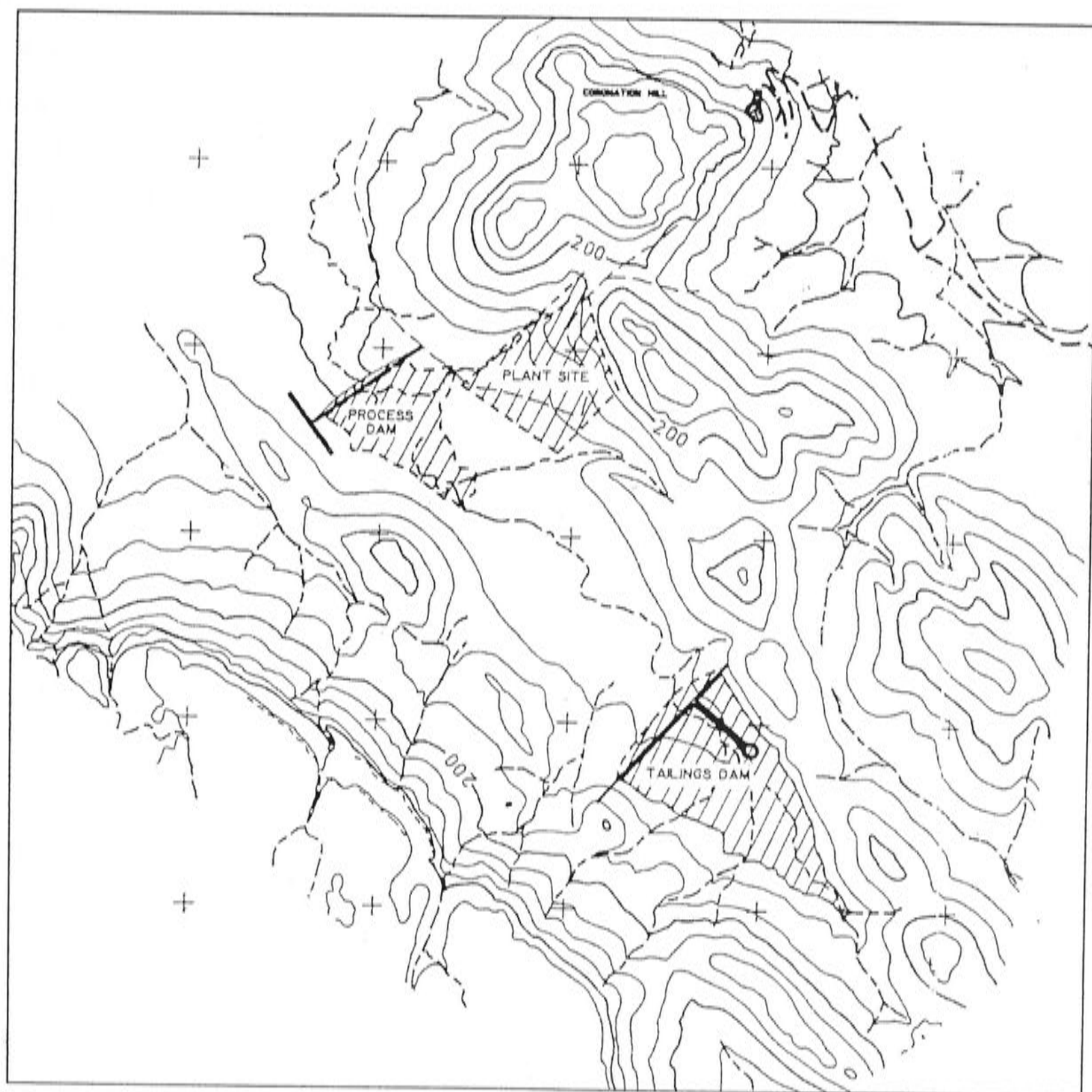


development proposals took place over the remainder of the year. The first of these was arranged for the end of October, to consider an application from the BHP team for permission to begin work in the back valley on the south-western side of Coronation Hill to assess its suitability for tailings and infrastructure sites (Map 7). The second occurred in early November and followed upon what Ellis considered to be inconclusive outcomes on some points considered at the October consultation.

In October Ellis advised Rush that he was arranging a site inspection for the next stage of development works requested by the BHP team. In late October, Rush began preparing for what the team clearly regarded as an important meeting. He contacted Darren Bennett and Raymond Fordimail in their capacity as community organisers on 20 October, and again on the 23<sup>rd</sup> and 29<sup>th</sup>, to confirm a site inspection and meeting in the valley at the end of the month. A group of thirty-six Jawoyn from Barunga, Beswick, Eva Valley, Katherine, Kalano and Werenbun, but not including Darren Bennett or Peter Jatbula, were driven in two BHP vehicles and a Jawoyn vehicle to El Sherana on the 30<sup>th</sup>. They proceeded to Coronation Hill where in two groups, each accompanied by members of the BHP team, they walked along access tracks looking at existing and proposed drill locations on the hill. When Fordimail raised the issue of protecting the South Alligator River, about half the people were driven to the back valley where Leckie and Linke explained the siting and engineering of a proposed tailings dam and plant.

The entire group convened the next morning at El Sherana to discuss the BHP team's proposals. No recordings were made of this meeting, but both Rush and Ellis wrote accounts. Linke began by expressing appreciation of the relationship the BHP team had been able to establish with the Jawoyn, crediting Ellis with having introduced them and Ah Lin with having seen the employment potential of the project, and anticipated another visit to Groote Eylandt and assistance to the Eva Valley cattle enterprise. Fordimail, chairing the meeting, commented favourably on the employment. He asked people's feelings about such visits to the valley and to Groote, and the group welcomed them. Barraway said Mayali and Ngalkbon people





**Map 7:** Map submitted by BHP project team to Sites Authority showing location of proposed infrastructure developments in Area 2, the back valley.

should also work at Coronation Hill. Leckie then spoke of the drilling work that had so far been approved and the opportunities that visiting Jawoyn groups and the new Jawoyn employees had had to oversee it, and of the project team's wish to have more people participating in approving their future work. Ellis then reviewed the difficulties that Coronation Hill had caused for the Jawoyn, but said BHP had behaved properly by consulting, keeping promises, hosting Jawoyn visits, and seeking permission before doing work. Linke described the proposed new stage of development, Ellis advised the Jawoyn that any approval they gave could have conditions attached, and Fordimail then asked for others to leave the Jawoyn to their deliberations. When Leckie and Ellis were called back, Fordimail advised that the group was happy for the work to proceed. Rush reported the conclusion of that stage of the meeting.

Leckie thanked the meeting for their decision and said that the [BHP team] would continue to work with the Aborigines as we were at present. The [team] looked forward to more meetings and visits and were very pleased with our present association.

Ellis also expressed satisfaction with the outcome of the meeting and the BHP/Jawoyns association and communication.<sup>30</sup>

The meeting had taken about one-and-a-half hours. A memo from Ellis to his Minister reported:

At the recent meeting held at El Sherana with custodians particular note was made of the fact that the relationship between B.H.P. and the custodians was well advanced and positive as a result of B.H.P.'s continued co-operation and their active implementation of a programme of employment of Aboriginal personnel in their activities.<sup>31</sup>

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<sup>30</sup> PMR, 15.12.86, Note to File, Aboriginal Meetings, 28<sup>th</sup> to 31<sup>st</sup> October, 1986, BHP/Newcrest Correspondence and Reports.

<sup>31</sup> R.W.Ellis, 14.1.87, Memorandum Director ASSPA to Minister for Lands, Coronation Hill – consents for proposed B.H.P. development, Aboriginal Areas Protection Authority files.

Without a video or transcript of the internal Jawoyn discussion, we are left with, by way of prelude and prologue, a scene set by the mutually reinforcing impressions of a site inspection, the hospitality of the mining camp, and a series of speeches approving of the quality of the relationships to date between the parties at hand, and then subsequently as climax, the formal decision reporting a reading from the script of jobs and royalties.

One thing that probably did not operate to set a scene that would contain the meeting's act of choosing that reading, was the role of Fordimail. In that respect, this theatre contrasted with those of 3 February, 1 July and 4 July, discussed previously. Keen and Merlan (1990: 27-28) note that Fordimail's position derived from his social embeddedness as a local Jawoyn person, his work roles within various community organisations, and his capacity to understand the interventions of the wider organisational and political environment within local issues. They assess his attitude to the Coronation Hill issue as one of concerned neutrality and of preparedness to support the authority of the senior custodians. He therefore did not attempt to operate tactically within theatres in the manner of Bennett and Ah Lin. Consistent with this, still, he had a view about the conduct of the issue, which he had made clear in the weeks prior to this meeting of 31 October. In mid-October he told a Four Corners television crew that exploration had been allowed despite Jawoyn fears and the decision of 4 July, and that the BHP liaison program was pressuring people into an attitude of resignation over mining. Seeking to preserve a space within which the senior custodians could assimilate the questions being put and decide their position, Fordimail was wary that the effect of the BHP team's efforts was to leave less room for the script of religious power and danger to find expression. Whatever his concerns in that regard or with respect to the absence of Jatbula, his manner of chairing the consultation event of 31 October at El Sherana, in between his request that the Jawoyn be left alone to consider the matter and his declaration of their decision, did not produce a reading from that script. Similarly at later events, he maintained the attitude of an impartial mediator, moderator and



questioner. The first of these later events occurred on 19 November, again in the upper South Alligator valley.

As had also occurred following the 1 July meeting, Ellis' letter of approval for works to be carried out within the boundaries of a registered site did not cover all those things for which the miners believed this meeting of 31 October had given approval. Specifically, the BHP team wished to upgrade the track over the saddle in the middle of Coronation Hill to connect the mine site with the back valley infrastructure sites, but Ellis considered the matter had not been adequately discussed. He thus organised another smaller on-site inspection and consultation for 19 November. Rush expressed his uncertainty as to the purpose of this further meeting given the apparent satisfaction expressed by the gathering of 31 October. Nevertheless the BHP team took the opportunity of another site inspection to expand their request, this time including a larger area of the saddle for the possible location of a treatment plant.

The Authority brought only a select handful of people to the valley for this November meeting, including Jatbula, Barraway, Fordimail and the senior Mayali man, Dooley Nunggulawe, rather than the large numbers collected by the BHP team in October. Ah Lin and the three other Jawoyn BHP employees also joined the consultation, but the significant difference was the presence on this occasion of Peter Jatbula, who had explained his absence from the earlier meeting by vehicle breakdown. Leckie indicated to the group the road intended for upgrade and the area around it for a possible plant, accompanied them on an inspection of testing sites in the valley, and showed them a drilling rig in operation on Coronation Hill. The Jawoyn then retired to a private meeting, to which Ellis and David Ritchie of the Authority were called over a number of times. Over the course of more than an hour's discussion, no consensus was reached. As occurred the following year before the Senate Inquiry (see above), Jatbula insisted that Coronation Hill was a sacred site and that his father had instructed him as a boy that works of the kind

proposed were not acceptable. Barraway, with Nunggulawe indicating assent, said that the place was of no significance and clear for mining, and mentioned royalties.

Despite Ellis' attempts to explore and resolve the disagreement, the meeting broke up without a decision. Ellis explained to the group, and with special concern for Jatbula, that the consistent opposition of just one person would not be enough to prevent development, and that the Authority, in view of the inability of the Jawoyn to find unanimity and the efforts that BHP had made to consult and to assist the Jawoyn in other ways, would probably authorise building of the road. He took the impasse to an Authority meeting of 26–27 November which decided to defer approval with respect to the road and the treatment plant until it met with custodians. At the next Authority meeting in March 1987, one of the members asked that in the absence of any Jawoyn representative, Ritchie's notes from the November consultation be read out. The Authority then authorised the BHP team to proceed with the requested works.

The next major community consultation for development approvals did not take place until a site inspection and meeting on 3–4 June 1987. By that time the Federal Government had decided that Coronation Hill would be allowed to proceed if it satisfied all necessary assessment procedures, and Rush had been advised by senior bureaucrats that a final terms and conditions agreement with the Aboriginal owners of the area would be required regardless of the progress of a land claim. As it did in preparation for the October consultation then, the BHP team made an effort to gather a sizeable group for this next event in order to ensure that consent to development was widely based among the Jawoyn. One BHP minibus and a Barunga Council minibus brought people from Barunga, while another BHP minibus collected people from Katherine and Pine Creek. An Authority vehicle picked up others from Werenbun. About thirty Jawoyn people thus joined the Jawoyn BHP employees, now numbering six, for a site inspection on the afternoon of 3 June. Jatbula attended, but Barraway refused and remained at Pine Creek. A range of work proposals were explained, broadly including further testing and

planning of infrastructure and accommodation sites, further drilling and surface sampling beyond the known mineralised zone, gravel extraction for road upgrading, and blasting for bulk sampling of the ore body.

The following morning, Fordimail and the current Chairman of the Jawoyn Association, Geoffrey McDonald, chaired a meeting convened at El Sherana to consider the BHP team's requests. The new senior member of the team, Bill Hewitt, reviewed some past work and detailed the next steps that required approval. Ellis spoke briefly. When the time for Jawoyn discussion came, unlike at the October event, women and children left but the whites were allowed to stay. This allowed observation of the Jawoyn deliberations, but the only detail noted by Rush in his account was the interesting one that Jatbula and especially Willie Martin spoke 'at length' about the Bula story. After much discussion, all work proposals were approved except blasting for bulk sampling, on which Jatbula expressed concern and Fordimail recommended further discussion at the next Jawoyn Association meeting. Thus, even where prominent actors delivered texts drawn from the script of religious power and danger, the act of the meeting in approving this next stage of development was contained by the scene of a consultation event held in the environment of the project and the presence of its proponents. On 5 June, the Authority gave permission for various test drillings and excavations and ground observations as approved by the custodians the previous day, with further drilling and excavation with blasting deferred for future discussion.

In August 1987, consultations entered a new phase, with a request from the BHP team to use explosives to clear access tracks and widen benches for drilling rigs. Cooper had long argued that blasting was seen by custodians as a qualitatively different and more dangerous interference with the site than drilling. Before discussing the consultation event of 18 August, however, I want to turn again for a moment to Burke in order to say something about Peter Jatbula. To this point, the BHP team's development proposals had been considered and approved by the Authority on the basis of consultation events held on 1 July, 30-31 October and 19



November 1986, and 3-4 June 1987. Treating each of these as a theatre, I have presented the consent given by custodians as a reading from the script of jobs and royalties, and have understood that choice of text to have followed from an interpretation of the nature of the theatre made by the custodians. In Burke's terms, the act of the custodians in producing such a text was contained by the scene of the consultation event.

On a number of these and other occasions, however, I have noted Jatbula's discordant and sometimes lone voice. At the site visit of 29 June 1986, Jatbula had prevented the meeting from giving consent to the resumption of works, and deferred the matter to a larger Jawoyn meeting. At the development consultation of 19 November, he had refused to move towards a consensual position in favour of the project team's plans. Before the Senate Inquiry on 9 March 1987, he held out for the truth of what his father had told him in the face of disagreement from other seniors. On the 4 June, his opposition caused consent for the use of explosives to be held back from the BHP team. Plainly, the scene contained Jatbula's act only when he allowed, as he did on 4 July 1986, when his decisive text was contained by a scene set by Darren Bennett. Thus, my central interpretive problem of contradiction does not arise from the performances of Peter Jatbula. These performances conform rather to another of Burke's theatrical ratios: the act-agent ratio. Here Burke refers to acts that can be understood to arise not from the surrounding scene, but from the interior character of the actor. He illustrates the distinction between the kinds of explanation allowed by the scene-act ratio and the act-agent ratio by the example of the 'democratic' motive.

Many people in Great Britain and the United States think of these nations as "vessels" of democracy. And democracy is felt to reside in us, intrinsically, because we are "a democratic people." Democratic acts are, in this mode of thought, derived from democratic agents, agents who would remain democratic in character even though conditions required the temporary curtailment or abrogation of basic democratic rights. But if one employed, instead, the scene-act ratio, one might hold that there are certain "democratic situations" and certain "situations favorable to dictatorship, or requiring dictatorship." The technological scene itself, which requires the

planning of a world order, might be thought such as to favor a large measure of "dictatorship" in our political ways (at least as contrasted with the past norms of democracy). By the act-agent ratio, a "democratic people" would continue to perform "democratic acts"; and to do so they would even, if necessary, go to the extent of restoring former conditions most favorable to democracy. By the scene-act ratio, if the "situation" itself is no longer a "democratic" one, even an "essentially democratic" people will abandon democratic ways. (Burke 1945: 17-18)

But even over Jatbula's determination to be guided by his own lights, the consultation event of 18 August demonstrated the containing power of the scene-act ratio. Members of the BHP team visited the Katherine area a number of times early in August to arrange for Jawoyn attendance. The group transported into the valley was about half the size of the two previous large development consultations, but it included Jatbula, Barraway, Bennett and Fordimail, the last of whom acted as spokesperson after Jawoyn deliberations. A number of the BHP team were present and greeted the attendees personally, knowing them already. At Coronation Hill, Leckie introduced the shot-firers and explained that the demonstration would test whether blasting was acceptable. Ellis and Cooper of the Authority paused the proceedings to allow the Jawoyn to discuss whether they were happy for the exercise to proceed. They consented to a three-stage progression from a detonator exploded above ground, to a detonator blasting apart a boulder, to a line of four half-sticks of gelignite on a hillside drilling bench. That done, the group was given cold cordial at the Coronation Hill camp, then driven back to El Sherana for a barbecue lunch.

In June, a Jawoyn Association meeting had instructed the Northern Land Council to seek negotiations with BHP for an agreement on Coronation Hill, and an NLC representative now proposed that Jawoyn consent to blasting should await the outcome of initial agreement discussions, a strategy that Bennett had also promoted the previous year, and which the Jawoyn group now initially endorsed. Thus, even the NLC, the one agency present arguing explicitly against Jawoyn approval at this event, was doing so with mining ultimately in view. In addition, according to Ellis' (1994: 116) recollections, one of the project's Aboriginal employees was arguing

strongly for a majority vote of approval on the grounds that the uranium mining of earlier years had occasioned none of the disaster that was feared would follow upon disturbance. This person thus appears to have been adopting a scene-setting role akin to that of Ah Lin and Bennett at the meetings of 1 and 4 July respectively. The discussion thereafter was complicated by an extended debate between representatives of the BHP project team, the NLC and the Authority over the scope of negotiations and respective jurisdictions (see chapter 8), but the upshot was formal consent from the Jawoyn to blasting on the scale demonstrated.

Ellis remembers feeling especially concerned about Jatbula's response:

I said to Peter, 'Peter, do you realise what that means, do you understand what's happened, that's what they're going to do, they're gonna blow, make that noise'. And he was obviously disturbed, it was a sort of, you know, he wanted to say 'I don't approve', but in the context of Sandy, Nipper and all the others there, he didn't feel able to. So I think we actually took him physically out of that area, and sat him down quietly for a while, away from everybody, and said 'Just sit down, have a drink of tea or something and have a think'. [Then we] ask him again. It was something like: 'Oh well, what can I do? It's all right'. . . . It was more like . . . 'No-one's gonna take any notice of me anyway'. So [I said] 'Look, Peter, you can say "no", and we will stop it now'. . . . He wouldn't say it.<sup>32</sup>

At this moment, Ellis tried to open the way for Jatbula to step outside the containment of the scene and into the persona that Ellis had seen stand against circumstance on other occasions. In Burke's terms, he was inviting Jatbula to perform within the act-agent ratio instead of the scene-act ratio. Jatbula's moment of incapacity left Ellis with only one authorising text, read on the day by the other Jawoyn from the script of jobs and royalties. The Authority's letter of 27 August granting permission noted that the senior custodians 'regard more extensive use of

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<sup>32</sup> Interview 29.7.90.



explosives at the site as having a potential to disturb Bula',<sup>33</sup> and that such use on a larger scale would require further consultation.

In the previous chapter, I expressed my view that there are no grounds for presuming that the senior Jawoyn figures (other than Jatbula) maintained any subsisting predisposition, something that could be regarded as their 'genuine' attitude, towards the mining project. In the absence of that pre-existing determinant, the relationship between consultation and outcome is thus to be understood as internal to each consultation event. It is the relationship between theatre and text. I have presented this sequence of descriptions of development consultations to show that a sequence of like theatres produced like texts. By drawing on Burke's scene-act ratio, we can infer something from this about the motivations of the custodians as actors: that the consistency of scene led custodians to interpret these theatres as all of a kind, and to select the script of jobs and royalties as the appropriate source of their texts at every such event. That act of selection was contained by scenes in which the project, the proposal for further work, and the proponents as hosts and guides, were all at hand. The August 1987 consultation on blasting is particularly demonstrative of the 'containing' influence of the scene, because even Jatbula, who had previously demonstrated that his motivation did not align with the scene, could not dissent. To put the matter differently, these theatres were publicly observable moments from an underlying trajectory of progress in an enterprise, that surrounded the custodians even as they were invited to formally pronounce their attitude towards it. By their pronouncements, they placed themselves formally in accord with that situational discourse; their acts were contained by the scene. Development consultations thereby became theatres of enablement for the mining project, in which custodians and other Jawoyn selected texts that affirmed and hence propelled the purpose implied by circumstances.

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<sup>33</sup> R.W.Ellis, 27.8.87, letter to M.V.Hewitt, Aboriginal Areas Protection Authority files.

### **The theatre as an event in itself**

The previous section described a particular sequence of consultation events in order to show that different theatres, motivated by and embodying the same underlying discourse, that is with the same scene, tended to generate the same kind of text or act. Different theatres could be understood as theatres of the same kind by the custodians, and therefore appropriate for a reading from the same script. The aim of the present section is to show that such theatres were nevertheless different events. I argue that they were similar, but not continuous or cumulative in the sense of sustaining an attitude towards Coronation Hill that carried over from one to the next. In other words, the custodians did not go through periods of feeling favourable towards mining, interspersed with periods of feeling unfavourable towards mining. They did not 'change their minds' in that sense. In this section, I demonstrate this point by looking at brief periods in which consultation events came hard upon one another and generated contradictory results. I want to show that each theatre was *sui generis*, an event in itself, interpreted by the custodians as a separately framed occasion appropriate for a reading either from the script of jobs and royalties or from that of religious power and danger.

The first such brief period has already been covered in the previous chapter and needs only summary reiteration here. On 29 June 1986, during a visit to the valley organised by BHP, a group of nineteen was prepared to agree to the resumption of development works, but the decision was deferred under the influence of Jatbula. On 1 July at Barunga, a Jawoyn meeting consented to that resumption. On 2 and 3 July, senior custodians made statements to Davis denying the mythological significance of Coronation Hill or that there were any impediments to mining proceeding there. On 4 July at the Katherine Low Level Reserve, another Jawoyn meeting that included several senior individuals present at the preceding events, adopted a set of resolutions repudiating development works at Coronation Hill.

The second such period occurred over two days in November 1986. I have already discussed the development consultation of 19 November in which a small group

sitting in a circle on Coronation Hill heard conflicting statements from Barraway (and Nunggulawe) and Jatbula. By way of preface to this consultation, David Ritchie, a Sites Authority officer, had explained to the small group that the story that Coronation Hill was of no significance to the Jawoyn, supported by Jawoyn statements on video to that effect, had been widely circulated among government people. This was a reference to the impact of the Davis report and video and a prominent newspaper article by Joe Fisher in July, which had called into question the grounds on which Cooper had recommended registration of the Upper South Alligator Bula Complex. Ritchie requested that at some time during their current visit to the valley, the custodians should clarify the distribution of place names and dreamings in the area. The outcome of this consultation event on the side of Coronation Hill (see above), with Barraway's and Jatbula's accounts unreconciled, did not augur well for that objective.

The next day was a different theatre in which Barraway chose a different script. Ritchie took both custodians along the valley with microphone and video camera, stopping at three places to record. The first stop is not identified on the video, but the second was in front of the tall conical hill Pulpul, and the third was on the roadside with Coronation Hill in the background. At each of the first two places, both custodians spoke of the distinction between the river flats and valley floor, where people could camp and women could forage and fish, and the rocky hills on either side, where only adult men could hunt, where they had to move carefully, where minor injury could have serious consequences. The main river channel and its surrounds provided a safe corridor of movement through upland areas that could themselves be entered safely only by those people appropriately equipped with knowledge and an attitude of caution. Arriving at Coronation Hill, with the script of religious power and danger already selected as the source of readings for this theatre, the custodians included it too in this cultural topography, declaring that women and young boys could not go there. Barraway added that movement around Coronation Hill for those incompetent classes of people was restricted to the main South Alligator corridor on the north-east side of the hill, and that they were not



allowed to go along the small creek to the south. That creek flowed from the back valley where the BHP team had received approval to locate mine infrastructure. Barraway also repeated the significance of the hill, known by its Jawoyn name of Guratba, as a wild rope place within the Bula mythology. Jatbula spoke in greater detail, describing a secret practice that connected knowledgeable men with the symbolic association identifying gold deposits as a manifestation of Bula, an association that Barraway had made in the 1985 interview that Cooper had relied on in his site registration report. Barraway quietly confirmed some of Jatbula's points. In this theatre of 20 November then, Barraway joined Jatbula in producing a text of religious power and danger that incorporated Coronation Hill into the rest of the upper South Alligator valley, in contradiction to the theatre of the previous day (and of preceding consultation events) in which Barraway had insisted that such a text was not relevant to that place.

Brief reference only again can be made here to the experience of the Senate Inquiry on 9 March 1987. In the morning the committee visited Coronation Hill in the company of a group of senior Jawoyn. According to the transcript of the hearing at Barunga that afternoon (see chapter 3), that visit evoked from the custodians present a text from the script of religious power and danger. I have located no descriptive accounts of that event, and can only identify it as a discrete theatre on the basis of the Chairperson's own expressed bafflement the same afternoon, when she heard the same people produce a contradictory text. One point that can be made about the morning event was that Jatbula was not present, so on this occasion the selection of text was not his.

The next brief period of clustered consultation events occurred in late May and early June. This close sequence arose from the overlap of two field programs. In early May 1987, the Authority resumed its site documentation program in Gimbat. It was carried forward by David Cooper and Ben Gunn, the former concerned with documenting mythological sites for registration and the latter contracted by the Authority to investigate and record rock art sites. In December 1986 the Federal

Government had announced its intention to resume Gimbat and Goodparla Stations for inclusion in Kakadu National Park, subject to one third of the area being reserved as a Conservation Zone and available for mineral exploration. A major concern for Cooper was to ascertain those areas within the Conservation Zone over which Jawoyn custodians considered mining activity to threaten disturbance of Bula sites. Gunn's research took place between 9 May and 20 June, and Cooper joined him on some days in the company of up to five senior men, Jatbula, Barraway, Brown, Frank Dalak and Dick Garrad.

The second program in train at this time was oriented towards the development consultation in the first week of June (see above). In the preceding week, Peter Rush and a new member of the BHP project team, Jim Green, visited Jawoyn areas to notify people of that approaching meeting. 29 May was a day of general liaison, during which they were asked for vehicles by Geoffrey McDonald, Chairman of the Jawoyn Association, and Phyllis Wiynjorrotj. The next six days was a concentrated period of serial consultation events for a number of senior people, consisting of a visit to El Sherana and the project site with the BHP team on 30 and 31 May, a return to the site documentation program in Gimbat with Cooper and Gunn on 1 and 2 June, and the large development consultation in the valley on 3 and 4 June.

On 30 May, Rush and Green took Barraway, Brown, Frank Dalak and Brown's wife Queenie Morgan for an overnight visit to El Sherana and the mine site. They looked at the drill rigs and the old open cut, and discussed the current work. Rush's notes indicate that, even in the middle of the Cooper and Gunn field program, the Coronation Hill site visit brought the script of jobs and royalties prominently to people's minds.

Sandy talked about his forth coming [sic] trip with David Cooper (1<sup>st</sup> and 2<sup>nd</sup> June) and explained about two important areas on the main escarpment, east of CH. He said they should not be mined but other areas could be such as the small hills opposite CH on the east side of the S.A. river and the knoll where the accommodation site may be located. I asked him if it was alright to mine where we were (the deposit at CH) and he said yes.

Earlier he had specifically asked if we were going to pay royalties as it was his land and the Ranger mine pays money to the Aborigines. I said it was a matter for the Government to decide.

...

Sunday 31<sup>st</sup>

Returned Nipper, Queenie and Frank to Pine Creek and Sandy to Katherine. At a number of occasions [sic] the questions of royalties and the Jawoyn land claim arose. Sandy also wanted a vehicle. He said that the NLC at a recent meeting had said that they should ask us about vehicles.

In general, there was no indication of any problem about us mining at CH, but there is a definite expectation of "royalties" (Nipper talked several times about his "land" money).<sup>34</sup>

The next day, all five of the senior men returned to fieldwork with Cooper and Gunn. On 1 June they located two sites, including one said to be a focal Bula site, and had discussions at Dinner Creek regarding the general significance of Bula sites and the question of the closure of art sites, and on 2 June, they visited a major art site complex located by Gunn near Waterfall Creek. Three weeks before, during field investigations around the Slesbeck area, Cooper had recorded statements indicating that across wide zones of territory around and between focal Bula sites, the senior custodians regarded mining activity as a dangerous level of disturbance. Now in the upper South Alligator valley, he was again concerned with zones and distances, so that he could further document those parts of the Conservation Zone from which his informants wished mining to be excluded. In an interview at the Waterfall Creek site, where Jatbula, Barraway and Brown identified painted motifs as illustrative of Bula mythology, Cooper took up the question again with Brown. While he did not appear to regard the sensitivities of that art site itself as extensive, Brown conceived of a zone of influence emanating from the focal site at Big Sunday, located well upstream, as a reason for concern about mining at the intermediate locations of El Sherana and Coronation Hill.



BROWN: Well him, you no more touch him rock, you know . . . you can hear him on top from dynamite you know. Well, that old man [Bula] him hear him, him kick him out you know. Well might be you start him then. Then gotta root him up you an me all over.

COOPER: Right, so what about that place up there, like where that mine is at El Sherana there — is that too close or not close — that old mine there?

BROWN: Long time ago?

COOPER: Yeah.

BROWN: They got him mine there too eh?

COOPER: Yeah, that's where — you might not have known about that one.

BROWN: Oh no, I don't know that mine.

COOPER: It's an old one that one. Is that too close?

BROWN: Him too close from there right up to Nilaynjurrung.

(Cooper 1987: 16)

When Cooper then explained to Brown that the drilling at Coronation Hill was preliminary and that mining there would require explosives, Brown replied 'Oh well, that wrong again'. The next day again, 3 June, the five custodians present here, except Barraway, joined the development consultation at Coronation Hill (see above), and on 4 June they attended the meeting that consented to the next stage of exploration and planning work requested by the BHP team.

## **Conclusion**

The accounts just given of consultation events coming hard upon one another are important for illustrating the incidence of contradictions at their most intensive. As such, they bear upon a number of arguments that I have put so far. It seems to me that it is impossible in the face of such a record to talk sensibly about the

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<sup>34</sup> P.M.Rush, 1.6.87, Note to File, Various Meetings, Aboriginal Affairs, Coronation Hill Project N.T., BHP/Newcrest Correspondence and Reports.

custodians 'changing their minds' about Coronation Hill. We are not dealing here with interiorised intellectual positions, but with situational responses. Taken as a totality, they allow no conclusion about what the custodians 'really' thought outside the moments of consultation, nor about the relationship between the testimony recorded during consultation events and the content of an endogenous Jawoyn tradition with respect to Coronation Hill.

Each such response can thus be interpreted only in terms of the consultation event from which it emerged. The metaphor of theatre respects this conclusion, and Burke's scene-act ratio opens the way to a useful account of the internal dynamics that led to the production of text on each occasion from one or other of the two available scripts. Although the quality of data available varies for the theatres I have discussed, there is sufficient here to indicate those characteristics of scene that enabled the custodians to ascertain the kind of theatre in which they were being invited to perform their custodianship, and thus the appropriate script for each performance. The scene-act ratio also explains the pattern of consistency and inconsistency between theatres. While I have argued, and the last section clearly shows, that there was no relation of chronological precedent between theatres, that is, the text adopted in one theatre was no guide to what would be adopted in the next, there was a relationship of scenic similarity, that like scenes contained like acts.

## **CHAPTER 5**

### **CONTEXT 2: JAWOYN HISTORY**

The data of appearances and accumulated information states are always necessarily in interaction as grounds from which custodians could interpret the kind of theatre. But as has been shown so far, in discriminating the influence upon motivation of that first dimension of context, that is the kind of theatre as apprehended by custodians, we are impelled to treat information states as largely a given and pay most attention to the data of appearances for their impression upon the custodians from one event to the next.

The second dimension of context must again acknowledge the interaction of appearances and information states, but here the weight of explanation in accounting for motivation shifts to the latter. This is an attempt to arrive at a more organic logic of motivation, still operating within each theatre, but grounded in experience of the world outside. I want to step back from the custodians' act of selecting between scripts as a source for texts at each consultation event and address the significance of the scripts themselves for the custodians. The argument of this chapter is that each script took on meaning as a pertinent source of texts because of the relationship identifiable by custodians between it, aspects of Jawoyn history, and the future realisation of the distinct values of place that it implied.

#### **History and the theatrical metaphor**

My use here of the notion of information states presses against the limits of that notion as expressed in the passages quoted earlier from Goffman and Sharrock, in that these formulations seem to confine the information state to an actor's awareness of the strategic environments from which other actors emerge to interact within each consultation event. In referring to the custodians' 'horizons' however, I



wish to include anything within their consciousness that bears upon motivation. Burke accommodates this expanded reach within his conception of 'scene', and its variable 'circumferences'. So,

the concept of scene can be widened or narrowed (conceived of in terms of varying "scope" or circumference). Thus, an agent's behaviour ("act") might be thought of as taking place against a polytheistic background; or the over-all scene may be thought of as grounded in one god; or the circumference of the situation can be narrowed to naturalistic limits, as in Darwinism; or it can be localized in such terms as "Western civilization," "Elizabethanism," "capitalism," "D day," "10 Downing Street," "on this train ride," and so on, endlessly. Any change of the circumference in terms of which an act is viewed implies a corresponding change in one's view of the quality of the act's motivation. Such a loose yet compelling correspondence between act and scene is called a "scene-act ratio".

(Burke 1968: 446, and see 1945: 77-78)

By allowing a less constricted account of relevant knowledge than 'information states', Burke's 'scene' offers the further advantage of accommodating this second dimension of context within the theatrical metaphor. At the same time, it presents the risk of very wide-ranging circumferences that might supply motivation for an act: the placement of an actor in an era, in the history that brought about that era, in the 'generically human' etc. (Burke 1945: 84). Meaningful explanation requires selection, the identification of salient factors.

But in actuality, such a graduated table of circumferences would be cumbersome and unmanageable. Most circumferences are felt to be, not so much wider or narrower than one another, as merely *different*. We might say that they mark out a circumference by spotlight, while the rest of the stage is left dark. (1945: 87 — italics in original)

How did the spotlight play across Jawoyn history as part of the background in the theatres of the Coronation Hill issue? The pertinence of each script for the Jawoyn, I argue, lay in its advocacy of those possibilities presented by the Coronation Hill issue that answered to the needs and aspirations produced by certain distinguishable themes in Jawoyn history. The aim of this chapter is to distinguish those themes to

reveal the motivations that ran from history, conceived as part of each theatre's scenic background, through each script to the selection of text by the custodians. I begin with those themes that articulated with the script of jobs and royalties.

But first, there is the possibility that I am pushing Burke's notion of scene too far, because a problem of causation arises. Up to now the causal direction is clear, as suggested by the term 'containment'. The physical location, the interventions of other actors, and the subsequent act that they contain, participate in what Signorile (1989: 81) calls a relationship of 'symbolic requiredness': the act requires such a scene. This linearity breaks down when we introduce history, because certain aspects of Jawoyn history can figure as part of the scenic background only after the custodians have ascertained from those other features of scene the kind of theatre in which they are performing. A to-and-fro movement is suggested, in which the custodians' initial act of interpreting the kind of theatre at once illuminates the appropriate historical circumferences in the scenic background that then join to motivate the choice of script. If this trespasses into teleology, Signorile, for one, doesn't seem to mind. He writes of a 'mutual round of requiredness' (1989: 81) among all the key terms that Burke uses to explain motivation. If the reader does mind, then an alternative formulation might involve removing history from the scene, and locating individual awareness of history within each of the agents, so that two motivational relationships, or ratios, are being invoked in sequence. The first is the scene-agent ratio, in which the theatrical scene puts the custodians in mind of a certain perspective on their own life experiences and prospects, and the second is the agent-act ratio, in which that consciousness of self causes them to select a particular script for that theatre (see Burke 1945: 16-20; Rueckert 1982: 80-81).

### **Historical motivation for the script of jobs and royalties**

Keen and Merlan (1990: 29-34) and Merlan (1992b: 39-49) have provided summary accounts of the interaction of northern Jawoyn people, including the three

senior custodians, with a diverse and varying array of non-Aboriginal places, enterprises and agents since the late nineteenth century. The major mining fields around Pine Creek and the railway line to the west and later at Maranboy and Yeuralba to the south, pastoral stations to the south and west, saw mills exploiting suitable stands of bush timber here and there, small farms along the Katherine River near the town, and the towns of Pine Creek and Katherine themselves, were sites of encounters between Aborigines and whites that could remain transient or develop into relationships that were sustained or repetitively renewed over some years. Their principal material expression was the exchange of labour or sex for European commodities such as flour, tea, sugar, tobacco, alcohol, clothing, swags and mosquito nets. Beginning with the Army control compounds in World War II, many Jawoyn were subject to closer institutional supervision in later decades (Maddock 1977: 15-16). After the war, the Northern Territory Administration's Welfare Branch established settlements in the south-eastern part of Jawoyn country with the intention of separating Aborigines from unauthorised white contact, and providing education, training and health facilities to promote assimilation.

Payment in kind and by rations, the dominant form of exchange and provisioning from whites to Aborigines, was in the post-war years complemented or replaced by cash both on these settlements and in private employment. Following the granting of pastoral award wages in the late 1960s and the extension of welfare entitlements in the 1970s (Altman & Sanders 1991), money became the necessary mediator between Aboriginal consumers and the European commodities that were by now thoroughly integrated into all Aboriginal lifestyles. Access to such goods took on an aspect of compulsion in the case of addictive substances, notably tobacco from the earliest years of contact, and later alcohol, use of which became widespread within the Aboriginal population of the Jawoyn region, in common with other northern frontier areas (Albrecht 1966: ; Brady 2002).

Within the Aboriginal domain, money became subject to the same pressures for constant circulation and short-term consumption as other material goods.



Prestations and demand sharing (Peterson 1997) turn money into another currency of inter-personal relatedness and obligation and frustrate efforts at individual accumulation. Those pressures are exacerbated by the usually limited individual cash incomes available from welfare and intermittent employment, for most of the time inadequate to meet expanding commodity demands, especially the desire for alcohol. Everyday Aboriginal sociality consequently displays an insistent money hunger. The urgent need for a regular source of disposable cash is illustrated by the importance that people place upon being present to pick up their pension money as soon as the cheques arrive at the usual collection point. They will insist on arranging other commitments for times that do not interfere with that pick-up.

Following the periods of direct payment in kind and graduated access to cash incomes, the self-determination and land rights era created a third generation of commodity relations in which proliferating government grant programs and the negotiating rights that came with legal ownership of land brought substantial moneys under collective, and sometimes individual, Aboriginal control. Among the expanded range of consumption items now able to be purchased, four-wheel-drive Toyotas were an object of widespread special interest and competitive politicking. Occasional royalty distributions, like the smaller fortnightly welfare payments, were commonly subject to a binge psychology of immediate consumption.

The people of the Jawoyn region became aware of the potentialities of the new land rights regime in the early 1980s from the experience of traditional owners of the uranium province to their north in Kakadu National Park. A number of central individuals in the Park acknowledged close kin or territorial connections to Jawoyn, and Jawoyn country itself extended into the southern limits of Stage I of the Park as it then was. When the Gagudju Association was formed in 1979 to receive payments due to Aborigines of the region from the Ranger Uranium Mine, Northern Land Council field officers organised a series of meetings to determine its membership (Levitus 1991: 157-59). They took a geographically broad and unsystematic approach to the question of entitlement to benefit from Ranger. Each

meeting expanded the list of members, including some Jawoyn people whose clan territories overlapped into the southern parts of the Park. At the first Annual General Meeting of the Association in 1980, 49 more people were admitted, two thirds of whom came from Pine Creek, Katherine and Barunga and listed themselves as members of Jawoyn Bolmo *mowurrwurr*. In 1981 the Association's Executive Officer turned away a further attempt to gain admission by people from the Katherine region. When the Association adopted a policy of periodic cash payments to every adult member, a number of people of both Jawoyn and Mayali language groups living in Jawoyn camps were on the distribution list. By the time the Coronation Hill issue arose then, Jawoyn people generally were aware of the individualised benefits that could flow from mining, and aware also that the entitlement to receive such benefits was related to the location of a mine on country to which one could claim some affiliation in Aboriginal terms.

Indeed, it may be that the character of royalties as an entitlement made them especially appealing. At a late stage in the issue prior to the RAC Inquiry, an NLC officer, Keith Taylor, was discussing its progress with the three senior custodians at Gimbat. Recalling past occasions of inconsistency, Jatbula and Barraway endorsed the need to maintain a consistent anti-mining position, but Nipper Brown responded to them in a manner that gave Taylor pause.

Certainly Nipper's response to Jatbula, I think, and to Sandy was . . . "You two too hard. What, you want us to be beggar all our lives?" . . . My interpretation of what Nipper was saying was essentially . . . he was dealing with that dilemma that Guratba was important to him to some degree but was it really sufficiently important for him and for Jawoyn to remain being beggars all their lives when there could be substantial millions that could flow from this. . . . It gave me pause for thought. It certainly wasn't an interaction. That was a discussion between those three old men in terms of those three old men, to some degree influenced by alcohol at the time, debating their predicament.<sup>35</sup>

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<sup>35</sup> Interview 14.3.94.



Brown's comment suggests dissatisfaction with the material relationship of the Jawoyn of his generation with white society, and a desire to grab the opportunity that Coronation Hill appeared to offer to re-make the interactional quality of that relationship. It implies that the strategy of 'humbugging' — nagging and badgering — for access to goods and favours controlled by whites, can be experienced as onerous, even humiliating, by Aborigines, rather than being the creative and empowering mechanism suggested by Gerrard (1989). Taking Peterson's (1997: 187, 190) point that making a demand creates a status asymmetry in favour of the party who satisfies the demand, the unrelievedly one-way flow of demands involved in the humbugging of any white person within one's social field (von Sturmer 1981: 23) means that these inter-racial relationships are experienced by Aborigines as a constantly reinforced status deficit. Merlan (1991b: 16-17) further refers to the elements of what senior men consider a desirable lifestyle as including '(crucially) escape from the necessity to earn a living under someone else's direction, and under the constraints of a European work-regime'. Autonomy is founded on entitlement, rights directly exercisable over places or things and unmediated by other relationships. Royalties from the Ranger Mine are colloquially known as 'land money'. The prospect of royalties from Coronation Hill similarly offered the dual promise of income flowing from the recognition of ownership. Brown's retort challenged the two other seniors over their disregard for the possibility of using the mine to rejuvenate their standing with respect to white society by revising the material relations that connected them to it.

To this point I have been addressing the royalties half of the 'jobs and royalties' script, and indeed the testimony referred to in earlier chapters seems to show that half to be the more compelling in the minds of the senior custodians. The employment of young men does also figure, however, as a regular theme in promising statements. Speaking from impressions, and against a background of experience in the northern Kakadu area, it seems to me that the motivation operating here derives from a morality of individual right conduct more than a secular program of community socio-economic advancement. Two propositions



can often be heard from elderly Aboriginal people about this. One sees employment as a proper channel for the energies of young men who are otherwise responsible for much socially disruptive behaviour. This is usually expressed in terms of despair at the effects of drinking, but could also reasonably be understood, like royalties, in terms of money circulation. That is, the elderly may wish to reverse the relationships of material subvention that often pertain between young and old, so that instead of having to hand over amounts from their pension moneys in performance of an endless 'looking after' role towards young adults, they could themselves expect to receive portions of their younger kin's wages. The other proposition translates the absence of consistent work histories among young men, the fact that 'they don't know how to work', into a judgment of personal inadequacy, a failure to emulate the skills and experience of their fathers and uncles whose sense of personal integrity is informed by the long achievement of working lives spent in cattle or buffalo camps. There is probably a gender correlation here too, the first proposition put more by senior women and the second more by senior men, but both carry a distinctly disapproving and disciplinary tone. So, with respect to both jobs and royalties, the motivation that emerges is the senior custodians' desire to re-work the terms of monetised relationships both internal and external to Aboriginal society. With respect to jobs, there is also the desire to assert the inter-generational validity of a certain career mode of hard physical work as a ground for respect.

### **Historical motivation for the script of religious power and danger**

Unlike its alternative, the script of religious power and danger is anchored in locality. Its content testifies to the importance within Jawoyn cosmology of particular places and the region in which they cluster. The first aspect of Jawoyn history that makes that script relevant within theatres concerning Coronation Hill addresses the question of how this particular mythology and its places have been able to retain their force for knowledgeable Aborigines. Keen and Merlan (1990: 29-30) argue that colonialism came late and lightly to Gimbat, in that the settler

presence did not establish itself permanently until the 1930s, nor intensively until the mining of the 1950s (see chapter 2). The region thus retained the character of a preserve for site-specific religious meanings. In this it contrasted with other parts of Jawoyn country, either where non-Aboriginal action steadily destroyed those particularities of place meaningful to Aborigines in the process of establishing less differentiated and more settled environments, as in the town space of Katherine, or where Aboriginal movement away from country to other sites of employment and residence had been sufficiently lengthy and sustained to have allowed an absolute diminution of geographical knowledge, as occurred over a number of *mowurrwurr* territories to the west and south of Gimbat (Merlan 1998: chapter 3; and see Maddock 1977: 20-21 for the latter process at a stage one generation less advanced).

Indeed, if we take the European enterprises of mapping and surveying as symbolic and substantive acts of colonisation (Harley 1988), then it is worth noting that a map of pastoral interests in use by the Northern Territory Administration as late as 1913 showed a mapping error in the Gimbat area attributable to the explorer Leichhardt in 1845. Leichhardt did not recognise the upper Katherine River, which he crossed at a point east of the Gimbat boundary, as a significant watercourse, believing its local tributary, Snowdrop Creek, to flow into the South Alligator (Leichhardt 1847: 471-74). Consequently, the Administration map shows Snowdrop Creek connected by a speculative line to the upper South Alligator through present-day Gimbat. Though the next explorer, Stuart, identified the Katherine further downstream in 1862 (Stuart 1996: 46), and it appears as a major watercourse separating the catchments of the Waterhouse and South Alligator on an 1895 map of metalliferous regions, this was apparently still only partially understood in official circles into the early decades of the last century. Precision in recording land interests in the area was similarly late. The Pastoral Lease document granting Gimbat to Joseph Callanan in 1962 notes that the government could not guarantee the accuracy of the boundaries shown as surveys were not sufficiently advanced. In 1970, the government surveyor issued instructions for survey of the

boundary between Gimbat and the Arnhem Land Aboriginal Reserve, noting that '[t]here is no survey information in this area and the boundary must be located by observation'.

So far, however, this history is enabling rather than motivating. It shows that Gimbat was a part of Jawoyn country for which a script of religious power and danger could still be compelling. Keen and Merlan summarise as follows:

The existence of a major religious tradition in the area, together with a history of minimal intrusion, account for continuing intensity of Aboriginal feeling about it, despite Aboriginal movement to other residential centres.  
(1990: 29)

Plainly, however, this continuing intensity of feeling did not manifest itself on all occasions with respect to Coronation Hill. The script of religious power and danger was not compelling in all theatres. We might settle for the view that the presence of a religious field of power, taken as part of the historical scene, was able to motivate the textual production of custodians only in those theatres where countervailing scenic factors, those in favour of readings from the script of jobs and royalties, did not operate. While absence of the latter may be relevant, that by itself is a poor story to put against my interpretation of those latter readings as an act of aligning the possibilities of Coronation Hill within the past and future trajectories of Jawoyn history. The same kind of interpretation, I suggest, is available for the script of religious power and danger as well. With respect to the script of jobs and royalties, I argued that the project at Coronation Hill, considered under the light of the new land rights regime, offered possibilities for remedying the dissatisfactions felt by senior Jawoyn people with aspects of both the supply of material wants and the social relations of provisioning. With respect to the script of religious power and danger, the debate over Coronation Hill, considered again under that new regime, offered other possibilities for finding in the values of Gimbat a basis for one component of a renovated political standing for the Jawoyn.



We need to begin, however, with the values of Gimbat as perceived by an earlier generation. In 1972, Eric Brandl, an anthropologist working for the Northern Territory Welfare Division, while investigating the concerns of Aborigines with respect to the rock art site at Christmas Creek in the upper South Alligator valley, made further inquiries into attitudes towards Gimbat, particularly of his two main informants, Soupy Marapunya and Mick Lora, two brothers of Jawoyn Bolmo *mowurrwurr* who were at that time prominent custodians. Brandl found limited concern with site protection, but his first report noted that 'Lora, a former station hand, "wants" Gimbat Station, as this is his "country"'.<sup>36</sup> His second report similarly noted that

Soupy (and other Djauan) clearly stated that it was the country, and not the paintings, he and his people were interested in. 'This is our country,' he said repeatedly.<sup>37</sup>

Brandl emphasised the secular interest of northern Jawoyn people in the property and thought that long-term consideration should be given to acquiring Gimbat as a cattle station training facility and as a future tourism enterprise, 'with a view to engaging Aborigines, as employees and, in the end, as independent managers or owners'.<sup>38</sup>

[I]t must be emphasised that the El Sherana/Sleisbeck area, covering a large portion of the Gimbat Pastoral Lease, is uppermost in the mind of some 20 or more Aborigines who now live at Pine Creek and Katherine. They insist that this is "their country" and the older Aborigines say that their young people "should go back to it."<sup>39</sup>

I have discussed in detail elsewhere (Levitus 1990: 9-21) the history of Aboriginal concerns for sites in the Gimbat area as recorded by various observers in the period 1947-72. While I pointed out there that Brandl's reports are anomalous in the

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<sup>36</sup> E. Brandl, 30.3.72, Christmas Creek Cave Paintings, Australian Archives Series F1, File 69/4013.

<sup>37</sup> E. Brandl, 20.12.72, Christmas Creek Paintings, Australian Archives Series F1, File 74/4732.

<sup>38</sup> E. Brandl, 30.3.72, op.cit.

relative lack of interest in site meanings and protection that they attribute to particular named informants, even those other sources that record a higher level of knowledge and commitment specifically note two particular Bula sites as an object of anxiety over any form of disturbance and one art site as a matter of unresolved concern over access. While the number of such sites might well have been multiplied, the worries that existed, however unsettling, seem to have been defensive in nature and minimalist in extent. Brandl's reports are significant in that Aboriginal interest in the Gimbat area is portrayed as aspirational and expansive with respect to objectives that are said to be separate from site protection.

This distinction between the sacred mythological and secular utilitarian significances of Gimbat for the Jawoyn corresponds to a more general differentiation of their worldly affairs according to a two-laws model. Keen and Merlan (1990: 35-37) discuss a broad conceptual distinction that has long been made by Jawoyn people between the domains of 'blackfella' and 'whitefella' law, each of which offers a set of rules and procedures for organising the affairs of life (Maddock 1977). They explain that, as such areas as community governance, and Maddock refers to marriage and the production economy, have been progressively penetrated by European ways, 'whitefella' law has gradually spread its jurisdiction to the point where it now dominates general or secular affairs. 'Blackfella' law has correspondingly become more specialised around tradition as manifested in ceremony and its related concerns of myth, country and sacred objects, that is those matters at the centre of what people call 'culture', a hard, unchanging Aboriginal way (see Kolig 1981: 88-89 for the same process in the Fitzroy valley). Bula, say Keen and Merlan, is identified absolutely as a matter of 'blackfella law'.

If we apply this distinction to the Gimbat of that earlier time, blackfella law seems to have been not just conceptually, but geographically, a domain that was contained and perhaps contracting. In the land rights era of the early 1980s, that changed.

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<sup>39</sup> E. Brandl, 20.12.72, op.cit.



Custodians now operated under the newly legitimating legal regime of the Land Rights Act and Sacred Sites Act, and in cooperation with researchers such as Merlan who viewed the protection of discrete sites as a policy exercise that was ancillary to the broader anthropological task of understanding structure and meaning in Jawoyn relationships to country generally. This shift in focus from sites under threat to sites of any sort provided a policy and research context in which custodians now expressed an expansive interest in the Gimbat area in religious terms (see chapter 2, and Levitus 1990: 23-28). They not only added to the distribution of Bula focal sites, where he was conceived to have gone underground, but enunciated other concepts of influence, communication and bodily presence around and between those sites that infused the topography of Gimbat with the nodes, lines and zones of a broad religious field of power. The change in the values of country recognisable to different generations of policy was thus reflected in the values seen by corresponding generations of custodians to ground their stake in Gimbat.

As the balance between the two laws in Gimbat altered, Bula was re-positioned both geographically and symbolically. By placing the script of religious power and danger within the domain of blackfella law and placing that domain in an hydraulic relationship with whitefella law, Keen and Merlan raise for us the issue of identity and the role of Bula as a symbol of Aboriginal self-assertion in a cross-cultural political field. The ideology of land rights valued a traditionalist vision of Aboriginal culture, and the legislation reified specific forms of attachment to country as criteria for the recognition and return of rights in land. Though the legislation itself presumed a fund of traditional knowledge, the motivation, substance and transmission of which were all matters internal to Aboriginal culture, it ascribed new significance to this knowledge as charter recognised by white institutions, thereby transforming it into a currency of articulation. This new policy domain thereby made specifically Aboriginal values of land into a new ground of recognition for Aborigines, and its processes added a new dimension to the Aboriginal presence within regions and the wider Northern Territory setting. The



ideology of rights and sites thus does not simply elevate traditional knowledge from a subsisting presence to a formally acknowledged one, it also fosters reassertion and revaluation by its Aboriginal custodians in terms of its new significance as a cultural form that is present to public consciousness. European political and legal changes thus created the ground for the senior generation of Aborigines, who had for decades sensed the wider irrelevance of such knowledge and cares (Keen and Merlan 1990: 24), to develop a new awareness that these things were worth thinking about, that they now constituted a new political currency over which they had control, recognised by white law and focussed on land. For the Jawoyn, it transformed Bula from a set of residual cultural meanings into a doctrine available as a resource in cross-cultural affairs (Merlan 1991a: 348, 350).

The changed evaluation of Bula as a part of blackfella law is specifically illustrated by comparing incidents across the generations under discussion. During the 1980s, as NLC, Sites Authority and National Parks consultations repeatedly confronted the custodians with the responsibility of prescribing what amounted to an administrative regime to control the availability of Bula places and materials to white audiences or purposes, they had to consider what restrictions to apply to such things as site access and publication of images, some of which had also been considered by their predecessors. In 1964, Maddock (pers comm) heard no adverse comment from three Aboriginal men, including Soupy Marapunya, concerning the presence of a white female researcher with them on an archaeological visit to the Sleisbeck site. Research in the 1980s identified the Bula cult as male and secret, so that during preparation and hearing of the Jawoyn (Katherine Area) Land Claim in the early 1980s and the Jawoyn (Gimbat Area) Land Claim in the early 1990s, white females, including the anthropologist responsible for preparing the claim books, did not accompany field visits to focal Bula sites including Sleisbeck. Between 1967 and 1972, a number of patrol officers' reports gave inconsistent accounts of the importance of the paintings at Christmas Creek and as to whether senior Jawoyn men were worried about tourist access and its effects upon them

(Levitus 1990: 16-21). During the Coronation Hill issue, the Jawoyn instructed the Parks Service to close the site, and no other art sites in the area designated as Sickness Country within Kakadu National Park have been approved by Jawoyn traditional owners for public visitation (KBM & PA 1998: 97-98). The first paper on Bula published in Oceania in 1962 (there called the Nargorkun-Narlinji cult) by Walter Arndt included extensive photos and drawings, mostly from the Sleisbeck site. Arndt located a second informant in 1963, on whose testimony he based a further publication. This man, he said, was 'aware of the author's genuine interest in mythology and was impressed by the reprint of the first paper on the cult which was circulating in the camp' (Arndt 1966: 231). Similarly, when Maddock (pers comm) first met the principal informant for Arndt's first paper, Soupy Marapunya, in 1964, Marapunya happily showed Maddock a copy of the 1962 paper. The senior custodians of the 1980s considered the images in Arndt's paper to be restricted, and instructed the Authority to take legal action against Fisher and Davis to gain possession of photos they took on their visit to the Sleisbeck site in June 1986. Circulation of the same images for a white public seems to have been thought a validation by one generation of custodians, and considered a violation by the next.

That change signals a change also in the underlying political ethic. Validation by exposure implies a seeking of respect through awareness and understanding. Restrictions against exposure implies a demand for recognition of authority, a symbolic territoriality. In general, the senior custodians have had to consider what level of respect and deference they would require from a non-Aboriginal public towards the signs of blackfella law associated with Bula, now that they had the authority to insist on such a thing. As illustrated here, their generally restrictive and exclusionary response has in some cases diverged from the attitudes shown to the same materials by previous custodians. This is one aspect of a more generalised process of intensified secret-sacredness that became ascribed to Bula places and materials during the late 1980s. Such instances as have been cited here are often made to serve the polemical purpose of invalidating the more restrictive current attitude by comparing it with an earlier liberal attitude which, by reason of being

earlier, is assumed to be closer to an authentic pre-contact traditionalism. The comparison serves my argument differently, marking successive stages of the political culture of Jawoyn embeddedness in a non-Jawoyn world. Thus, while the sway of 'blackfella' law had contracted to the religious domain, the symbols of that domain were now being invested with the weight of contemporary Jawoyn identity and could be asserted, and expect deference, in the new contexts of consultation and adjustment produced by the larger political environment of land rights and self-determination. The land rights regime, having arisen from a metropolitan traditionalist discourse in Aboriginal affairs, became further generative of that discourse at local levels.

Keen and Merlan interpret the Jawoyn response to Coronation Hill in terms of a transition of this kind in Jawoyn political sensibilities. They see the inconsistencies in Jawoyn testimony as arising from a phase of tentativeness.

It seems to us that the principals have experienced some genuine doubts and shown some vacillation, not about the nature of Bula tradition, but about the possibility of publicly sustaining *claims to the tradition's legitimacy*. We think this has been particularly in the period from around 1985, as they saw their version of the significance of Gimbat to be at odds with strong, outside or non-Aboriginal interests.

(Keen and Merlan 1990: 80 — italics in original)

Merlan argues that the custodians' version of the significance of Gimbat subsisted as a level of resistance maintained by an older generation 'that knew it was right about certain fundamentals, but could do little to force others to recognize this' (1991b: 19). These fundamentals consisted of a set of meanings, about such things as the true nature of mineral deposits, that allowed the custodians to understand the real implications of non-Aboriginal interventions in the area. They found ethical expression in the concern custodians expressed for the welfare of everybody, Aboriginal and white, if those interventions continued in disregard of the true character of the country (Merlan 1991b: 21-26).



Subsequently, in the later stages of the dispute when the script of religious power and danger was being asserted as the official Jawoyn position by the Jawoyn Association, Keen and Merlan perceived among some Aborigines a growing sense 'of the controversy over the Bula matter as a question of resistance to encroachment upon an Aboriginal domain' (1990: 82). Merlan (1991b: 31) interprets their response as a shift from an ethical to an overtly political mode of assertion. That theme manifested itself in the texts produced in some theatres. From the senior custodians, it could take the form of a defiant fatalism, as when they commented with ironic finality that if those who had been warned about the power of Bula didn't believe the danger, then they should proceed with their development works and see what happened. Barraway took the point one step further during a site documentation field trip in March 1988. He was in the company of the two other seniors, three younger Jawoyn men, and three researchers from the Authority and the NLC. Visiting a site painted with Bula motifs near Koolpin Creek in the uplands on the north side of the upper South Alligator valley, he delivered a lengthy monologue on the importance of continued custodianship of that place, the physical deformities and universal destruction that would follow disturbance, and the need to keep mining away from this and other sites. If mining and government people did not believe these things, if they thought 'blackfella tell him about bullshit story' or 'we can't believe that man all that lot Jawoyn people', then, Barraway said, he would return to one of the focal Bula sites and take away the layers protecting Bula's entrance point into the ground, and the world-destructive shaking would begin, killing him and everyone else.<sup>40</sup>

The processes involved appear to be a variant of those observed by Kolig in the Fitzroy valley region in the Kimberley with respect to the management of esoteric knowledge and artefacts. In that case the sacred materials were readily to hand and already in active circulation, unlike the place-specific and distant Gimbat sites, and

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<sup>40</sup> Cooper, David, 1988, Report for the Registration of Sites in Stage 3 of Kakadu National Park and the Bula Sickness Country, Aboriginal Areas Protection Authority files.

Kolig understood the general change agent in terms of pervasive modernisation pressures, lacking a specific legislative regime. But he recognised the increasing confinement of Aboriginal law to religious affairs, and how religion itself was simultaneously losing its force as an instrument for the reproduction of the social and natural environment and instead 'becoming the vehicle of ethnic awareness in the wider Australian society' (Kolig 1981: 7, 69-70, 178; 1989b: 112, 161).

Just as the senior custodian Nipper Brown provided for Taylor a moment of extra-theatrical legitimation for the script of jobs and royalties (see above), so he did the same again for the script of religious power and danger. When the Federal Government at last announced in June 1991 its final decision that Coronation Hill would not be mined, Merlan (pers comm) was in Katherine. She found all three seniors delighted with the decision, but Brown's response was ecstatic. He kept her up for hours making her read through portions of the Jawoyn language dictionary she was compiling, providing cultural information, behaving in an elated manner she had never seen before, one she interpreted as arising from a sense of vindication at having had their story listened to. I think this reaction can be understood as an outcome of the reciprocal symbolic relationship that developed between Coronation Hill and the Bula region as a whole within the script of religious power and danger. Prior to the last and most politically contentious phase of the dispute, and especially before the resumption of exploration there in the mid-1980s, Coronation Hill derived significance from its location within the region within which Bula was present. It lay within the zone of influence of other sites, or more diffusely, of his story. Even the special significance attached to the mineral deposit by testimony recorded in 1985 was only so attached because Coronation Hill was within the geographical reach of Bula. The meaning of the gold was derived from its location within that region. As the debate continued, the argument over Coronation Hill took the mining proposal as a test of the legitimacy of a wider cultural claim about Sickness Country. In that way, as Ritchie (pers comm) has observed, Coronation Hill came to carry the symbolic weight of the entire religious complex. For Brown, a governmental prohibition on mining was thus

simultaneously a high-level white acknowledgement of Bula and of what the Jawoyn knew about him.

### **White laws and Jawoyn ownership**

A point that will be noticed from the two preceding sections is the epochal advent of a land rights legislative regime, consisting of the Land Rights Act and the Sacred Sites Act, as a critical condition of the historical motivations backgrounding both scripts. This regime raised the prospect of a new order of material benefits flowing to Aboriginal interests from mining developments, and simultaneously worked upon Aboriginal conceptualisations of blackfella law as a domain of fresh political relevance. The confluence of historical legacies within the theatres of the Coronation Hill issue is a function of this contemporary policy regime.

There was always a potential for crisis lurking in the rationale for land rights from the time of its first formulation by Woodward in the early 1970s, for land was seen not only as cultural artefact and the basis of rights, but also as resource, the basis for economic improvement, especially through mining agreements. That potential for crisis was realised in the case of Coronation Hill because, for the senior custodians, the issue presented a choice between different realisable values of place. The Land Rights Act acknowledged an Aboriginal right to realise either set of values, and the senior custodians had seen countrymen affiliated to the uranium province to the north realise both.

Significantly, however, the senior people did not have a clear technical grasp of the legal regime that governed the granting of ownership or consequent rights and entitlements (Keen and Merlan 1990: 27). In Marcus' (1995: 111) terms, and to once again extend the sense of Goffman's information states, the senior custodians had limited hierarchical 'system awareness'. This is identifiable in two specific respects. The first is their expectation that royalties could flow to them from a Coronation Hill mine, if the company would agree to pay them. Despite the best



efforts of people like Bennett and Fordimail and external advisors to explain that royalties flow only from mines on Aboriginal trust land under the Land Rights Act, that expectation continued to be expressed, as shown previously. The second is revealed by their denials that Coronation Hill was a place of any mythological significance. Ellis' view of the site registration was that it allowed the custodians a space in which to consider a steady, managed compromise of the general concerns that they had for the area in order to accommodate a carefully planned development. On those occasions on which they denied significance, the Jawoyn were contradicting the grounds for registration itself and thereby subverting the only legal standing they had at that time to manage anything.

As it happened, these misconceptions didn't matter. The BHP project team made an early decision to proceed on the basis that the Jawoyn had a legitimate interest in the area that it would accommodate by direct liaison with custodians (see chapter 6) and through the Sites Authority's permit procedures. In early 1987, senior government bureaucrats made clear to Rush that a terms and conditions agreement with the Jawoyn would be required to satisfy the government that Aboriginal concerns were being fully met, and statutory amendments in mid-1987 created an Aboriginal right to negotiate an agreement, including royalties, in anticipation of Gimbat becoming Aboriginal land.

What is nevertheless important about these misconceptions is that they tell us something about the senior custodians' own perceptions of the new regime. Their failure to be mindful of the qualifications that surrounded consent and negotiation rights was a concomitant of what they saw as the really important facts, that Aboriginal ownership of country now counted for something and they were the owners of Coronation Hill. So, although at this time in the mid-1980s, the Jawoyn had no legal ownership of any portion of Gimbat, the land rights legislation figured as part of the scene against which they considered proposals about Coronation Hill. It did so not exactly in its form as given by Parliament, but as the source of what the custodians understood to be a new regime of potential relationships and rights

under which they were now living.

Operating with an understanding of their existing rights as owners that was technically imperfect but, as it turned out, practically adequate, they endorsed each set of values on different occasions with respect to Coronation Hill. In doing so, they revealed the capacity of that gold deposit to articulate with, and disentangle, the themes of post-settlement Jawoyn history, and to separate them into potential new alignments for the future. To compound my metaphors, Coronation Hill was a prism, absorbing some of the intertwined meanings of Jawoyn history, then separating them out and projecting them forward along alternative trajectories. With each selection of script, the custodians endorsed and speculatively positioned themselves within one or other of those trajectories. The problem of contradictions arose from the refusal of the custodians to unequivocally commit themselves to either trajectory and by implication reject the other, as the management processes around Coronation Hill insisted they do.

At the end of the last chapter, I remarked that it was impossible to read the contradictory texts emanating from successive theatres as indicative of changing interiorised intellectual positions with respect to the issue. Having introduced into the scenic circumferences of theatres those themes of Jawoyn history that articulated with the realisable values of place, we can now revisit that conclusion. We can ask again whether the custodians held a securely interiorised position about anything. The functional link between historical needs and the values that might be realised at Coronation Hill, was of course the status of custodianship itself and its implicitly assumed right to decide. The relationships operating within the scene-act ratio thus allow contradictions to be understood as alternating end-manifestations or expressions of the custodians' interiorised conviction as to ownership, now endorsing one future realisation of the values of place, now another. Indeed, considered from the position of the custodians as actors, we could say that the custodial role itself drew substance from another scenic circumference supplied by Jawoyn history. Merlan has probed the character and origin of the conviction of

ownership for some Jawoyn of that senior generation, including the senior custodians of Coronation Hill.

The anchoring of subjectivity in the linkage among person, place and Dreaming — not only as a matter of one's own sense of self, but also as a general scheme of reference — is rendered vivid through presence and founded in close experience in differentiated country with similarly oriented others. The firm setting of this conceptual and emotional foundation seems to make it possible for Aboriginal people who have lived this to continue to experience themselves as part of distant places and milieux, despite considerable remove; thus, the familiar image of the Aboriginal person who is possessed by the feeling "My country!" and also "My uncle!" "My granny country!" and so on, though miles and a mode of life away. . . . But this feeling for continuing psychic presence in distant places, on a basis of sometimes long-term absence rather than simply presence . . . can only be felt once it is established as a ground of subjectivity. If it is not established early in the individual's formation through close experience, not just of the country but of it in the terms of differentiated human relationship (one's own and others'), to it, attachment must be psychically on a different basis. (1998: 93)

## **Conclusion**

With that, we can also return to my comments at the beginning of chapter 3, regarding the status of the Coronation Hill debate as a secondary discourse about a primary discourse presumed to subsist within the Jawoyn community and labelled 'Aboriginal tradition'. The consultation event was the mechanism that was intended to provide the public administration process with access to that authoritative Aboriginal centre. As I have shown in the intervening pages, the theatres of Coronation Hill produced a corpus of texts that subverted that expectation and thereby left radically uncertain the content and indeed the status of any such Aboriginal centre. The influence that that presumption as to the existence of an authoritative Aboriginal centre had upon management of the Coronation Hill issue is explored in the following chapters. For the moment, my analysis offers an alternative understanding of the content of that Aboriginal centre, and therefore of how it did participate in the issue. Rather than a corpus of religious doctrine to be



dipped into to guide land management decisions, what the senior custodians carried into each consultation event was the more fundamental and elementary conviction of their ownership of country, just as Brandl had discovered in 1972.

This chapter has identified the implications of that conviction by posing it as the ground from which the custodians evaluated the possibilities of place that were evoked by this development issue. The themes that I have drawn from Jawoyn history are not intended to imply that that history was itself bisected. They were, rather, instances of Burke's spotlighted circumferences in the scenic background of the theatres of Coronation Hill. They suggest a different level of motivation to that uncovered by my discussion of the scene-act ratio in the previous chapter. That discussion addressed the question of why certain theatres seemed appropriate to the custodians for a particular choice of script. Here I am talking not about the explanation of choice on each occasion, but about why the alternatives to choose from had anything to recommend them, that is, why the custodians should find each script at all chooseable, and therefore why there was a real choice to be made.

## **PART 3**

### **A PERSPECTIVE ON THE POLITICAL HISTORY OF CORONATION HILL**

**Chapter 6    The Aboriginal Centre: Access, Deference and Denial**

**Chapter 7    Consultation and Development**

**Chapter 8    The Rise of the Northern Land Council**

**Chapter 9    Dispute and Theatricality**

## **CHAPTER 6**

### **THE ABORIGINAL CENTRE: ACCESS, DEFERENCE AND DENIAL**

#### **Site protection and consultation**

The Aboriginal Sacred Sites Act of 1978 defined a sacred site as 'a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition'. The Act also introduced the legal concept of the custodian, defined as 'the traditional Aboriginal owner or other Aboriginal to whom the protection of a sacred site is entrusted by and in accordance with Aboriginal tradition'. The legislation thus began with acknowledgement of a discourse of sacredness embedded within another culture, separate and reified, responsibility for which was vested in an endogenous authority whose legitimacy was similarly embedded. Metropolitan law made no assumption of transparency. This was conceived as a domain apart, but one to which, if legal protection was to be extended, access must somehow be had.

The solution ultimately settled upon by the Northern Territory legislature (Ritchie 1996) was to establish a statutory authority, the Aboriginal Sacred Sites Protection Authority (see chapter 2), which would mediate between that Aboriginal domain and external parties wishing to enter upon or carry out works on sacred sites. The Act required the Authority to establish a register (s.24) in which any site referred to it by an Aborigine and which, after examination and evaluation, it accepted as sacred was to be entered (s.25). The Act also provided that entering upon a sacred site, registered or not, was an offence unless the site custodian and the Authority were satisfied that such entry was proper and the Authority issued a permit (s.29), and it provided further that carrying out works upon a site was an offence without written permission from the Authority (s.31(4)). So in addition to the program of



field research implied by s.25, the Authority understood s.29 to require consultations with site custodians in order to ascertain their wishes regarding requests to enter upon a sacred site. S.31 did not require permission from anyone but the Authority itself for works to be carried out, but as a matter of policy the Authority extended its consultation procedures to such cases as well (Ritchie pers comm).

It is significant that this recounting of relevant sections from the sites legislation omits those provisions for declaration of sites that appear on the surface to be central to the protection regime the Act offered. Under these, the site custodians could request the Authority to apply to the Administrator of the Northern Territory to publicly declare the existence of a sacred site. The manner of the Act's administration by the Authority during the 1980s left these provisions unused. The Director of the Authority, Bob Ellis, has provided an account of the origins and development of the Authority's philosophy of site protection in his Master's thesis (Ellis 1994). His discussion of the early involvement of the Authority in site protection issues around the town of Alice Springs points up two inter-related conceptual changes as central to this new regime. One of these was the movement beyond earlier heritage protection laws that had drawn on the scientific paradigm of prehistoric archaeology and were concerned with relics as valuable evidence of the traditional Aboriginal culture of the pre-European past. Now the primary concern was with the significance attributed to places by contemporary Aboriginal people acting as the bearers of current and dynamic indigenous belief systems. The other was the broadening of concern from sites conceived as isolated points identifiable by geographic coordinates, to a notion of 'landscape cultural amenity' (Ellis 1994: 52) that could be applied to areas of land that were culturally significant and within which particular sites existed as points of special sensitivity.

Upon taking up the position of Director, Ellis recognised, from a close reading of the land rights and sites protection legislation then in force in the Territory, that an effective regime of protection informed by these concepts was possible by utilising

the provisions for the registration of sacred sites by the Authority. This strategy circumvented the probable intention of the legislators by not utilising the procedure for declaration of sites, and by so doing sacrificed the evidentiary force of declaration in the event of prosecution for site violation. Toohey J. understood the absence of site declarations to arise from the reluctance of Aboriginal custodians to expose sites to the publicity required (Renwick nd: 28). Ellis, however, regarded registration as preferable because it meant that Aboriginal custodians could themselves decide whether and under what conditions a site should be given the protection of European law, even to the extent of considering appeals from non-Aboriginal interests as to the detriment that a proposed registration may impose upon them (Ellis 1994: 26-33).

The registration of the Upper South Alligator Bula Complex in October 1985 brought both new concepts of site protection into play. It was an area of approximately 250 square kms, the 'landscape cultural amenity' of which derived from its location within a region made significant by the travels and continued presence of Bula. Cooper, the Authority officer who prepared the registration report, considered there was potential for an even larger registered area within that region. Ellis, appearing before the Senate Inquiry in May 1986, explained the registered site as part of a 'first order of zoning' of areas of Aboriginal concern, within which further differentiations of significance were now needed to delineate no-go areas, accommodate bushwalking and perhaps negotiate mining development (SSCNR 1986b: 830, 841).

Once the Authority established this legal Aboriginal interest in the valley and over much of Coronation Hill, Ellis immediately made plain to the BHP project team a further aspect of the site protection regime that arose from the two concepts above. What flowed from the site registration was not a ban on any further land use changes, but a requirement to communicate, inform and consult with the custodians, with a view to negotiating permission to proceed. The Authority wrote to the BHP team advising of the site coordinates and offering assistance in

arranging consultations with custodians. The team replied that its work plans for 1986 were not yet finalised, and attached a map of all BHP interests in Gimbat. The Authority then advised in greater detail of overlaps between those mining tenements and sites known to the Authority, including registered sites affecting Coronation Hill and Sleisbeck. It advised BHP that any development within these registered sites would require permission from the Authority, and asked again whether the company wished the Authority to begin consultations with the custodians.

While the BHP team was required to defer to Authority procedures, its acquiescence was not passive. Rush immediately proposed an independent anthropological survey to verify the findings of the Authority's own work, and to add to its area coverage if necessary. When he found that papers by Arndt and Chaloupka revealed a distribution of sites in the South Alligator valley that did not impinge upon Coronation Hill, the proposal for an independent survey was endorsed by senior management, but did not ultimately proceed. The project team was willing, however, to approach the Jawoyn, outside the formal mediatory role of the Authority. Ellis himself suggested that team members establish informal personal relationships with relevant Jawoyn people, but counselled against any attempt to directly discuss the issue of how sacredness might impinge upon development. Project team members moved beyond these constraints from an early stage as they sought directly to discover and weigh the Jawoyn interest in the upper South Alligator valley.

As the issue proceeded they were not alone in this, indeed officers and consultants from other agencies, including the Northern Land Council, the Northern Territory Government and environmental organisations, established direct liaison with Jawoyn traditional custodians and political leaders, occasionally, periodically or almost continuously, over the next five years. This pattern of multiple direct communications gave to the contest over sacredness a peculiarly personal dimension. Many of the interlocutors of the Jawoyn, and especially those from the



BHP team, the Authority and the NLC who were able to sustain continuous relations with them, valued the quality of communication that they believed they had achieved. Disagreements between these agencies over representations of sacredness implied mutual challenges to the quality of their respective liaison relationships. The confidence of individual officers in the veracity of the assertions about sacredness they had elicited from their Jawoyn informants was often grounded in the personal investment they felt in those relations, and in their satisfaction that they had achieved honest, friendly and productive interactions.

The dispute over sacredness, carried out at the level of competing secondary representations (Keen 1993: 344-45), therefore also called into question the quality of personal relationships and dealings. This became explicit in accusations of cultural insensitivity and inappropriateness, pressure, or even outright invention. Such mutual mistrust in turn created a felt need to sustain direct liaison with the Jawoyn, in order to nurture and reinforce personal ties with particular individuals and their community, to protect them from undue influence, to encourage them to repeat in public and official forums what they had said in private consultation, and to test assertions from opposing interests as to what they really thought. Each of the organisations involved felt constrained to verify its position on sacredness by repeated reference back to the Jawoyn source.

### **The contest over access**

This pattern of competitive liaison was established almost immediately following the registration of the Upper South Alligator Bula Complex and it constituted a first level of inter-agency conflict, over legitimacy of access to country and people. Rush and Leckie had met with Ellis on 27 September 1985, prior to the registration, for a briefing on the state of sacred site documentation in the Coronation Hill area. Following this, Rush reported:

It should be noted that even if a sacred site is found in the Coronation Hill leases and is verified as being genuine, discussions with the

custodians should take place. Destruction of a site can take place with the permission of the custodians and this has happened in some instances, such as at the lease area of the Enterprise Mine at Pine Creek.<sup>41</sup>

In mid-December 1985, after receiving the advice from the Authority regarding the locations of six registered or recorded sites impinging upon their tenements in Gimbat, Rush and Leckie met custodians for the first time. The following week Allan Linke wrote up a tentative strategy:

Acknowledge Aboriginal interest in the general area and do not dispute that Coronation Hill is a sacred site based on our present knowledge.

Try to ascertain more about the exact location, size and significance of the site at Coronation Hill.

Undertake (b) by face to face contact with custodians and develop a good working relationship with them. Also learn about other areas of importance to them.

Do not undertake any major work at Coronation Hill until permission is given by custodians. Do not seek such permission until a better relationship has been developed.

Assess joint venturer legal position but do not for the time being pursue any legal options until a better knowledge of total situation is obtained.<sup>42</sup>

Linke felt the results of Rush and Leckie's initial meetings suggested that 'we can reach a satisfactory compromise at Coronation Hill'.

The project team's thinking was influenced by two considerations. Firstly, BHP's experience at Groote Eylandt, where it had developed and operated a large manganese mine for many years, gave the team confidence that satisfactory relations could be directly negotiated and maintained with Aboriginal communities. The company's records disclose no sense of hesitancy or reticence about dealing

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<sup>41</sup> P.M.Rush, 28.10.85, Memo to N.J.Rowlands, J.F.Leckie re Notes of Meeting with R.Ellis re Aboriginal Sacred Sites in the Coronation Hill Project Area, BHP/Newcrest Correspondence and Reports.



with problems of cross-cultural communication and mutual understanding. Indeed, giving evidence to the Senate Inquiry into the resources of the Kakadu region in March 1986, Linke referred to the problems created by intermediary organisations. He cited his own experience of maintaining good relations with the Aborigines of Groote, and of making sure 'that people who worked for me also learned and got on well with Aborigines'. He further argued against reliance on anthropological research to establish traditional ownership of an area, favouring direct inquiries by the personnel attached to the project (SSCNR 1986a: 256, 269-71).

Secondly, BHP had particular reason to be concerned about external organisations in this case, given the policy environment of Coronation Hill. The Ranger Inquiry recommendation that the entire South Alligator River catchment be given national park protection meant that Gimbat and Goodparla pastoral stations would at some time be considered for resumption by the Crown prior to declaration of a Stage III of Kakadu National Park (see chapter 2). By late 1985, the Federal Government's attention was turning to the matter, and the conservation movement was preparing for another Kakadu campaign. If resumed, the area would become available for claim under the Land Rights Act. The company was aware that its mineral tenements did not provide a form of tenure sufficient to insulate them from the land claims process, and that any land claim would thus include its mining interests. The project team saw the development of close and direct personal relationships with all relevant Aborigines in the Katherine area as its best defence against these policy outcomes. Indeed it anticipated the possibility of presenting a united front of mining company and Aborigines to Federal policy-makers, hoping thereby to forestall exploitation of the sacred sites issue by conservationists, and to secure approval to mine before the instigation of a land claim gave the NLC legal grounds for involvement in the affairs of the area. The project team's efforts with regard to obtaining approvals for development in Gimbat and especially at Coronation Hill,

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<sup>42</sup> A.Linke, 19.12.85, Text of Telex to N.J.Rowlands, BHP/Newcrest Correspondence and Reports.



are dealt with in this and the following chapter. Its good neighbour policy with respect to the wider Jawoyn group is discussed in chapter 8.

The new legalities presented by the site registration required that the project team obtain the Authority's formal permission to proceed with development works. Ellis assured Rush that the Authority had in the past facilitated accommodations between Aboriginal and development interests in areas of traditional significance by arranging for information and views to be freely and dispassionately exchanged. He maintained both the need and room for negotiation, avoiding any appearance of direct incompatibility, by referring to 'the sacred significance of *an area associated with Coronation Hill*'<sup>43</sup> (my emphasis). At the Jawoyn meeting at Low Level on 3 February 1986, he explained the site registration as a way of serving notice on the mining company that its project was not its business alone.

We've registered that whole area, that whole area's covered now. We need to do some more, some more work to find out more about that country. David [Cooper]'s gonna have to come down and talk to people and collect more information about what's inside there. But that was just so we can tell that BHP mob 'Stop. Don't do any more, until you get permission.' Just to hold it.<sup>44</sup>

With Ellis' assistance, the project team presented its proposals to a small meeting of predominantly Jawoyn people at Coronation Hill on 25 February 1986, answering their questions and trying to correct 'the impression that we wanted to remove all the hill'.<sup>45</sup> A general Jawoyn Association meeting in Katherine on 6 March rejected these proposals. Such an outcome was unexpected for the project team because it had to this point understood that, while there were Aboriginal sites of significance in the valley, no attributions of sacredness related specifically to Coronation Hill, and the Upper South Alligator Bula Complex protected a broad

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<sup>43</sup> R.W.Ellis, 20.2.86, Letter to P.M.Rush, Aboriginal Areas Protection Authority files.

<sup>44</sup> Meeting At Low Level About Coronation Hill 3.2.86, Aboriginal Areas Protection Authority video.

area within which places of real concern were not yet fully identified. Following the rejection of 6 March, Rush wrote to Ellis:

Arising from the meeting, we would like to know more details about the claim that Coronation Hill is a bula site. In particular, the site's actual location and its aerial [sic] extent, also its significance to the Aboriginal people.

The joint venture would like to know the names of the people who made the decisions at the Katherine meeting, what clan they belonged to, whether they were a custodian and/or traditional owner of Coronation Hill, and their standing in terms of their traditional Aboriginal authority for Coronation Hill.<sup>45</sup>

The project team thus moved into a fresh round of information gathering and liaison. Rush contacted the former uranium miner Joe Fisher, the former Gimbat station owner Joe Callanan, and a former Joint Venture geologist Geoff Pietsch. He noted their memories of a minimal Aboriginal presence in the valley, no indication from such Aborigines as were there as to any importance attached to Coronation Hill, and no expressed concerns about mining, from the 1950s to the 1970s. These oral historical sources augmented the scepticism that had already arisen from Rush's initial research into Arndt's and Chaloupka's ethnographic reports.

The BHP team advised the Authority of its intention to proceed with informal direct discussions with the Jawoyn. With a scale model of Coronation Hill, Rush and Leckie visited the Katherine area on 19 and 20 March for talks with a number of significant individuals, including the three senior custodians. In the face of objections by Ellis and the suspicion of a local Katherine NLC officer, Rush and Leckie politely insisted that they were only trying to exchange information and understand Aboriginal concerns. Ellis had advised the project team to develop informal personal relationships with Jawoyn, and that it confine discussions to the

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<sup>45</sup> P.M.Rush, 28.2.86, Memo to N.J.Rowlands, C.Gregory, J.F.Leckie, A.Linke, Meeting with Aboriginal Custodians, Coronation Hill, N.T., BHP/Newcrest Correspondence and Reports.

<sup>46</sup> P.M.Rush, 13.3.86, Letter to R.Ellis, Aboriginal Areas Protection Authority files.

social and economic possibilities of the project and the likely landscape alterations involved. He had not intended that they use these relationships to pursue research into the anthropology and cultural values of the upper South Alligator valley (Ellis 1994: 85). This visit represented the first clear public break with the formal consultation procedures organised and authorised by the Authority. It led to public criticism by Mick Dodson, then an NLC legal officer in Katherine, and a series of letters from Ellis to Rush, attacking the project team's approaches to individual custodians and its failure to wait a reasonable period after the rejection of 6 March before addressing site protection issues again. Ellis called for adherence to proper procedure:

In your own interests and in the interest of your company I strongly recommend that you reconsider any further "informal consultations" and operate as originally agreed with the benefit of advice from this Authority.<sup>47</sup>

It is plain, however, that the project team had decided to foster as independent a relationship as possible with the Jawoyn. A Proposed Strategy formulated by Rush proposed, over six to twelve months, developing mutual understanding and trust with Aboriginal people, acquiring precise details regarding sacredness at Coronation Hill and its custodians, and demonstrating on the part of the project team a responsible attitude and a willingness to consult. This should be done 'by direct contact with them with as little as possible use of intermediary organizations or authorities'.<sup>48</sup> This liaison effort was to be complemented by the development and implementation of an Aboriginal employment policy, and consideration of the possibility of a broad agreement with Aborigines for mining. The whole strategy, Rush suggested, should be under the control of one long-term Joint Venture officer likely to be on site for reasonable periods, and put in place before a land claim was made, after which 'subsequent dealings with them would be through the N.L.C.

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<sup>47</sup> R.W.Ellis, 3.4.86, Letter to Rush, Aboriginal Areas Protection Authority files.

<sup>48</sup> P.M.Rush, 21.3.86, Memo to N.J.Rowlands, A.Linke, C.Gregory, Proposed Strategy, Aboriginal Affairs, Coronation Hill Project, BHP/Newcrest Correspondence and Reports.



where we would lose the opportunity for unimpeded access to them'.<sup>49</sup> In the meantime, no further ground-disturbing work should be carried out in the project area, nor any pressure placed upon custodians to grant permission for such work.

A second Proposed Strategy document went into greater detail. It accepted that Coronation Hill was of significance to Aborigines, despite a lack of specific information about the site, and that the Jawoyn had affiliations to the upper South Alligator valley. It proposed 'to build up a relationship and confidence in us by the Aborigines with us working substantially independently of other organizations'.<sup>50</sup> The Authority would be called in for 'a final meeting' to allow it to 'verify the wishes of the Aborigines', once it became apparent that the responsible Aborigines were happy for BHP's work to proceed. Further field work on other tenements in the valley should also await documentation of all areas of significance. The strategy aimed to gain Aboriginal support for exploration and mining, and thereby demonstrate to Federal policy-makers that Aboriginal concerns could be adequately met without declaring the area a National Park to the exclusion of mineral-related activity.

The BHP team's overall strategy, based on close and direct engagement with the Jawoyn, was thus in place within a month of the first rejection of its plans by a Jawoyn meeting. The strategy intended to minimise the Authority's mediating role, anticipating that it need only provide a formal seal of approval at the end of the project team's own liaison process. It was also in competition with Ellis' efforts up to that time to have the Aborigines represented as an independent third interest, alongside miners and environmentalists, in Federal deliberations over the proposed Kakadu Stage III area. BHP wanted the Jawoyn on its side. The miners, moreover, had some sense of urgency. Rush saw that a decision on Stage III, a subsequent

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<sup>49</sup> Ibid.

<sup>50</sup> P.M.Rush, 1.4.86, Memo to A.Linke, Proposed Strategy, Aboriginal Affairs, Coronation Hill Project, Northern Territory, BHP/Newcrest Correspondence and Reports.

land claim, and amendments being considered to the Aboriginal Land Rights (NT) Act, were all 'events which may overtake the project'.<sup>51</sup>

During their two days of discussions in the Katherine area in March, Rush and Leckie displayed the Coronation Hill model, inquired as to what responsibility or anticipated role each person might have with respect to the issue, and identified Barraway, Brown and Jatbula as the three central individuals. They received interested responses to their suggestion of a visit to the upper South Alligator valley and the project site, and promised no further work on the registered site area for the present. They also began developing first impressions concerning the dispositions of relevant Jawoyn individuals to their proposed project. They concluded that their main problem in this regard was Peter Jatbula, as he appeared to have the most extensive notion of the distribution of sacredness in the valley, and he alone directly expressed concern about their work. Rush and Leckie were sceptical about Jatbula's notion of a broad expanse of sacred country, preferring Sandy Barraway's identification of specific sites as 'more "Aboriginal" and probably closer to the real situation'.<sup>52</sup> Nevertheless they arrived at the impression that Jatbula was the more important custodian, and wondered if his expansive and unspecific view of sacredness derived from a desire to promote a land claim. They concluded their report on their visit with the judgment that '[t]here is a light at the end of the tunnel but the length of the tunnel is unknown'.<sup>53</sup>

Further pursuant to the agreed strategy, in April 1986 the BHP Minerals accountant prepared calculations showing ways of providing for an Aboriginal financial stake in the project. The Joint Venture partners held a meeting on 16 April 'to discuss Aboriginal Policy', and stated that they were

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<sup>51</sup> Ibid.

<sup>52</sup> P.M.Rush, 3.4.86, Memo to N.J.Rowlands, A.Linke, C.Gregory, Meetings with Aborigines, Coronation Hill J.V., N.T. p.9. BHP/Newcrest Correspondence and Reports.

<sup>53</sup> Ibid.



prepared to acknowledge that the Jawoyn people are Aborigines who have a valid interest in land in which our project area lies. The project team will attempt to confirm for the J.V.'s own satisfaction that the people we are dealing with are the right (legitimate) people.<sup>54</sup>

They thereby indicated their intention to rely on their field operatives, rather than on the Authority, as their primary guide for correct and effective communication with the Jawoyn. The Joint Venturers thus accepted the presumption of an authoritative Aboriginal centre enshrined in the sites legislation, and endorsed the project team as their preferred instrument for identifying and engaging with the individuals who embodied that centre.

By the end of April 1986, the project team was ready to further its program of Aboriginal liaison by organising a field trip with custodians into the upper South Alligator valley. Rush telephoned Ritchie, a Sites Authority officer, regarding entry to the registered site. This fairly lengthy discussion gave rise to a subsequent dispute as to whether Ritchie had approved entry onto the Upper South Alligator Bula Complex. Their conversation was more significant, however, as a low-key clash of two strategies. Ritchie tried to preserve the Authority's statutory mediating role by arguing that the intended trip could prejudice sensitive negotiations being pursued by the Authority concerning the project, and advised that properly constituted meetings were preferable. Rush aimed to ensure the project team's unmediated access to Aboriginal information by insisting on the importance and innocence of the exercise as a means by which the company and the Jawoyn could 'get to know' one another. Ellis (pers comm) remarked that 'getting to know' the Jawoyn, a purpose of which he approved, had for the BHP team got caught up with 'getting to know country' of which he did not approve. Dodson and Ellis also asserted the legitimacy of each other's intermediary role, Dodson asking rhetorically if BHP was trying to usurp the role of the Authority in conducting site clearances, and Ellis affirming the right of the Jawoyn to have Dodson present as

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<sup>54</sup> n.a., 28.4.86, Coronation Hill – Aboriginal Affairs Proposals, BHP/Newcrest Correspondence and



their legal representative on all occasions. Instead of relying on the Authority, Rush and Leckie developed their relationship with Larry Ah Lin, Chairman of the Jawoyn Association, welcoming his advice and assistance in organising the trip. They also noted that Willie Martin, then working as a cultural teacher at Barunga school, might be useful in identifying suitable Jawoyn candidates for training and employment at Coronation Hill.

The notes made by Leckie and Rush of their first trip into the upper South Alligator valley over three days with five Aboriginal custodians include a good deal of information on matters of no direct relevance to the issues at hand about sacredness and belief. These notes give an impression of a general sizing up of personalities, including comments about people's demeanour, dress, and states of inebriation. The BHP account also shows that Rush and Leckie's claims to be merely interested in promoting mutual understanding and Aboriginal confidence, which they repeated in response to criticisms by Ellis and Dodson, were disingenuous. As shown in chapter 3, they were plainly interested in ascertaining the location of sites, recording Aboriginal concerns for country, and thereby developing an independent knowledge base from which to negotiate the sacredness issue, consistent with their strategy documents. Their findings could only have added to their scepticism concerning the status of Coronation Hill as a sacred site, and reinforced their confidence that Aboriginal approval for their work could be negotiated.

### **Claims for cross-cultural competence**

The contest over direct access to the Jawoyn was argued partly in terms of adherence to proper process and legality, but it quickly revealed a more substantial argument about cultural knowledge and sensitivity, and competing claims for effective cross-cultural communication. From early in 1986, criticisms of the project team's liaison campaign from Ellis and Dodson were put in terms of

cultural appropriateness. In his newspaper column Dodson instructed BHP that the security of sacred sites was a matter that could concern many groups, often at some distance from the places in question, and that singling out individual custodians forced them to take responsibility for something that should properly be a matter of wider account. In an address to the NT Chamber of Mines (Rush 1986), Ellis tried to locate knowledge about sites within an Aboriginal social context. He represented sites not as things but as a focus of intellectual activity, and site protection therefore as an issue able to be discussed and negotiated within the relevant group according to its internal notions of political authority and structural responsibility. The business of Authority officers, he explained, was to accumulate the historical data and cultural acumen that would allow them to understand those internal concerns about sites and foster acceptable arrangements for their management. In a series of communications with members of the BHP team, Ellis emphasised that ignorance or disregard of the internal Aboriginal dynamics governing such issues as Coronation Hill could create serious problems. At a point of particular exasperation over reports of the project team's ongoing liaison program, he wrote:

I have repeatedly offered [sic] you my assistance and co-operation with little or no response from you. . . . I have previously warned you that your actions in meeting, apparently 'secretly', with some of the Custodians is inappropriate. The group, as a whole, are likely to be suspicious of your proposals as a consequence and may not only reject your exploration proposals on this basis, but may apply sanctions against the individuals seen to be co-operating with you. The resultant disruption and community division lives on long after your departure, to the long-term detriment of the Territory's economic and social development.<sup>55</sup>

Such misgivings were informed by more than a perception in the abstract that the BHP team was treading on dangerous ground. Ellis' warning was itself prompted in part by a report from David Cooper in which he referred to resentment being expressed by Barraway and Jatbula over the inclusion of another senior man in the BHP team's site visits. Cooper considered the project team to be ignorant of local



political sensitivities and referred to the intra-community trouble likely to arise from BHP's 'blundering approach'.<sup>56</sup> In fact Linke (nd: 17) had noted an argument over traditional ownership between the two custodians and this other man during a visit to the valley, and attributed this man's later change of residence at Barunga to friction with Barraway and others.

Attempts by Authority and NLC officers to reign in the project team's campaign, and the latter's resistance to those attempts, was, in effect, a contest for the control of theatres. Ellis' distinction between informal familiarisation and inquiries into matters concerning country seemed to turn on the frame in which the custodians were required to operate. He approved of casual interactions in which Jawoyn men were not placed explicitly in a role of custodianship. Exercises in which access was sought to a knowledgeable Aboriginal centre on matters of sacredness did frame them in that custodial role, becoming theatres in which they were asked to produce relevant texts. Ellis regarded that as a clumsy and risky trespass upon the function of the Authority. His claim for the Authority's precedence was made, again, not as much from statutory requirement as in terms of professionalism and superior cultural competence. Thus, for example, after the project team carried out their first field trip into the upper South Alligator valley at the end of April 1986, Dodson reported that Jatbula had felt 'humbugged' into going on the trip and revealing information about sites, while Leckie and Rush were sure he was not put out. In discussing the matter with Ellis, they assured him that

we could not understand the basis for the complaint as we had a completely different impression of the situation. . . . After discussing our view of the events and the divergent view he had obtained with Mick Dodson, [Ellis] said that it was the aboriginal way not to object directly to Europeans but to

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<sup>55</sup> R.W.Ellis, 12.5.86, Letter to P.M.Rush, Aboriginal Areas Protection Authority files.

<sup>56</sup> D.Cooper, 10.5.86, File Note: BHP's Unofficial Consultation with Jaowyn [sic] Custodians, Aboriginal Areas Protection Authority files.



try and take them or lead them away from important areas and also to discuss their problems with people they knew better.<sup>57</sup>

In the face of such objections, BHP officers continued their direct liaison program through May and June 1986. They first developed their contacts in the Katherine area to ensure close advice on local sentiment and events. During four days of discussions and meetings in early May, Leckie noted comments from Ah Lin critical of the NLC and from Darren Bennett critical of the Authority. He sat with Peter Jatbula in a cafe and satisfied himself that, contrary to complaints relayed to him by Ellis, Jatbula was happy about the trip to the South Alligator valley. He talked with several other senior Aboriginal men, and tried to understand, as it now seemed to him, why Barraway was more important as custodian than Jatbula, speculating on the significance of Barraway's cicatrices and the fact that he had sons and Jatbula only daughters. Leckie also began arrangements for another trip the following week, which turned out to be a briefer and more casual exercise of looking around and discussing a limited section of the valley with two custodians. Later he distributed sets of photos of the field trips to Barraway, Ah Lin and Nunggulawe.

Leckie was satisfied with the quality and results of his developing contacts, and was encouraged to believe that there was significant local resentment of the NLC and the Authority. This belief tended to subvert the impact of complaints from Ellis to the effect that the BHP team's informal program of consultation about sites and cultural concerns was culturally inept and politically risky. The miners were developing confidence that they were more directly in touch with Jawoyn opinion than were those Darwin organisations, and that continued open and direct discussion with the people of the Katherine area could only advance their cause. Allen Linke summarised their progress in May.

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<sup>57</sup> P.Rush, 8.5.86, Memo to J.A.Linke: Meeting with R.Ellis re Coronation Hill Project N.T., BHP/Newcrest Correspondence and Reports.

Continued direct discussions with Coronation Hill custodians and other Jawoyn people through meetings at Barunga, Katherine, Pine Creek, Edith Falls, and camping trips into the South Alligator Valley. It is apparent that a successful relationship is developing between the Aboriginal people and the project team (Peter Rush, Foy Leckie and Allen Linke — representing the Joint Venture).<sup>58</sup>

They continued also to pursue independent research. While in Katherine, Leckie borrowed from the library the Jawoyn (Katherine Area) Land Claim book to copy. Later in May, Allen Linke reported that several volumes of the land claim transcripts had been researched and two volumes copied, and that the NT Mines Department had been requested to extract all reports relevant to exploration licenses issued over the South Alligator valley, in order that they could be 'searched . . . for Aboriginal cultural information'.<sup>59</sup>

The miners also maintained an anti-alcohol posture, refusing demands for gratuitous cash handouts that would be spent on drink, and trying to arrange transport in a way that would minimise the presence of alcohol on field trips. This appears not only to have been a matter of maintaining proper appearances in the conduct of their discussions, but to have arisen from the conviction that alcohol was a nuisance, a cause of disruption and wasted time, which impeded the process of transmitting information to, and encouraging cooperative relationships with, the Jawoyn. In this they were subject to the same compromises as any other fieldworkers. Leckie realised that day-payments made to custodians for their participation in field trips could be spent on grog. The ready availability of alcohol from multiple outlets in the region, and the access that some custodians had to their own transport, often made plans to restrict the amount of alcohol taken on site visits ineffective. Under such circumstances, the miners allowed drunk custodians a night to recover at El Sherana before beginning discussions the next day.

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<sup>58</sup> J.A.Linke, 26.5.86, Memo to C.M.Gregory, Aboriginal Affairs – May 1986, BHP/Newcrest Correspondence and Reports.

<sup>59</sup> Ibid.

The Senate Inquiry into the resources of the Kakadu region conducted a site inspection and hearing at Coronation Hill on 21 May 1986. This event demonstrated two attitudes that were current among the miners. The first was their confidence that Jawoyn views were, in the main, favourable to their proposals. This was shown by their willingness to facilitate the direct expression of those views to the Inquiry. During discussions in the Katherine area the previous week, Leckie was concerned to encourage custodians to be available for the Senators' visit, and following the hearing, Linke claimed credit for the project team having 'organised (behind the scenes) the attendance'<sup>60</sup> of four Jawoyn on the day. The second was a disposition to conspiratorial interpretations of NLC and Authority behaviour. Allen Linke in particular seemed to have a developed sense of external powers attempting to prevent Aborigines from freely expressing their own views, claiming on this occasion that those two organisations had given 'instructions that Aborigines should not be present'<sup>61</sup> at the Senators' Coronation Hill inspection (a point denied by Ellis and not supported from NLC files). Linke was set on defying what he saw as their wish to thwart a genuine and productive engagement between the BHP team and the Jawoyn.

Although our developing relationship with the Jawoyn people has caused negative reaction from the ASSPA and the NLC (via Katherine), we will continue to consult and work with them — it is currently anticipated that we will ask the ASSPA to get the Jawoyn people to reconsider their decision in July.<sup>62</sup>

Linke looked back on the company's experience at Groote Eylandt as a precedent for all this. Appearing before the Senate Inquiry's earlier hearing in March, he referred to the good relations the miners were able to develop there by talking directly with traditional owners.

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.



That was, in fact, the situation in the mid-1970s when the Land Councils were created and things then became very protracted. In fact, there were divisions created between ourselves and the traditional owners and, in the end, that division was broken down by the Aborigines. They just found it was untenable to continue to treat us the way that they had been told to do.  
(SSCNR 1986a: 256)

The project team, especially Linke, thus made its own claim to cultural competence. The next major step in the team's cultivation of its relationship with the Jawoyn was the organisation of a visit in June by seven people to Groote Eylandt to allow them to see an operational mine and to display the relationship that BHP had achieved with the Groote Aboriginal community. As mentioned above, the company's experience there appeared to underpin its confidence that, left to its own resources, it could reach a genuine and mutually acceptable accord with the Jawoyn. The miners were therefore happy to take every opportunity to use the Groote precedent to impress their good intentions upon significant Jawoyn decision-makers, and proposed further trips to the island in the future for those unable to join the first one.

In the last week of June 1986, Rush and Leckie pursued a broad and relatively indiscriminate liaison effort among people in the Katherine region. They discussed photographs of the Christmas Creek paintings with people who had been with them to the site, had general life-history conversations with individuals at Barunga, the Katherine Gorge camp and a Katherine old people's home, and socialised with custodians gathered for a barbeque at the Low Level Reserve. But just as the project team drew reassurance from such interactions with the Jawoyn that its familiarisation campaign was proceeding positively and causing none of the offence claimed by its critics, so others drew the opposite conclusion from their own liaisons. In early May, discussing the BHP team's past and proposed trips with four senior men, Cooper told them that, contrary to their understanding, the trips were not approved by the Authority and NLC. He reported them angry at the dishonesty of the BHP officers who they said had made that claim (which the project team later denied). They agreed not to participate in the forthcoming trip,

and arranged to visit the same area, Dinner Creek, with Cooper instead, the following week. At this point, the Authority was intervening directly to undo the project team's arrangements and forestall its further liaison plans.

### **The challenge from Arndt**

As I have shown, the project team's approach to the Coronation Hill issue following the site registration was based upon two things. Firstly, it accepted the notion of an authoritative Aboriginal centre, implicitly conceived as an endogenous discourse carried primarily by a set of senior people of the Katherine region concerning matters of sacredness in the upper South Alligator valley. Secondly, it was confident that direct engagement with Aboriginal people interested in the area and specifically with those seniors would create a climate of relations, both between individuals and between community and company, in which the development of Coronation Hill would be accommodated within the terms of that endogenous discourse of sacredness.

The Proposed Strategy formulated in March had contemplated putting the question of further development to the Jawoyn only after some months of informal discussions had sufficiently advanced the process of providing information, developing personal familiarity and encouraging confidence in the intentions and goodwill of the company. It is not clear whether the miners' decision to raise the issue at the end of June arose from their judgment that such a point had now been reached, or, as Ellis charged, that the NT Minister for Mines and Energy had pressed BHP to push the matter forward. In any event, as described in chapter 3, a small meeting of senior custodians and women on site reconsidered the issue for the first time since the refusal of 6 March, but decided to refer the matter to a general Jawoyn meeting at Barunga. The decision of that meeting on 1 July was accepted by the Sites Authority as grounds for a qualified authorisation to resume the drilling program.

However, probably anticipating that the 1 July meeting would reject development, conservative political circles in the NT had by then organised a challenge to the registration of the Upper South Alligator Bula Complex. When on 4 July another Jawoyn meeting did reject development, the challenge was publicly launched. Its significance for this discussion is that it explicitly located the authoritative centre on questions of sacredness outside the current Jawoyn custodians, and in the work of the amateur ethnographer, Walter Arndt. The four individuals associated with this challenge were disparately placed in an institutional sense. Barry Coulter, Minister for Mines and Energy in the conservative Country Liberal Party government, gave the challenge official standing by commissioning an anthropological report into the circumstances surrounding the registration of Coronation Hill (see chapter 3). He hired Stephen Davis, a Darwin consultant who operated outside the existing professional anthropological network, and who had developed somewhat idiosyncratic understandings of Aboriginal territoriality from experience in north-east Arnhem Land. His consultancy firm offered the NT Government and developers in the Territory a source of information regarding Aboriginal responsibility for sites that was independent of the Land Councils or the Sites Authority, and assistance in negotiating Aboriginal consent to proposed projects. Joe Fisher was a mining consultant well known for his views in favour of the mining industry, Territory development generally and the removal of Commonwealth authority in the Alligator Rivers region. His newspaper article denying the sacredness of Coronation Hill (Fisher 1986a) was used by Coulter as public justification for instigating the Davis inquiry, although Fisher had taken Davis into Gimbat to the Slesbeck site eleven days earlier in preparation. Frank Alcorta was an *NT News* journalist and editorialist who maintained a stridently pro-development position against what he saw as the imposition of southern environmental and social engineering ideologies. His populism was directed at those, such as Ellis, he accused of being intent on preventing working families from building a future from the opportunities available in the Territory. Of these four, Fisher and Davis provided historical argument to challenge the propriety of the



Authority's site registration.

Joe Fisher had managed most of the small uranium mines in the upper South Alligator valley in the 1950s and 60s, and sat in the NT Legislative Council from 1961 to 1974.<sup>63</sup> In the land rights era of the 1980s, he retained his perspectives from that earlier time. He defended not only the legacy of that decade of mining in that region, but asserted the claims of mining in general as a legitimate and desirable land use. In terms considered enlightened when he first made the arguments in the early 1960s, he continued to propose that Aboriginal and environmental concerns could be adequately provided for as residual interests. His writings and public statements (Fisher 1986a, 1986b, 1988: 6-7; SSCNR 1986b: 1070-84 and see chapter 2) recounted his early efforts to gain official protection for some Aboriginal art sites and to have a Park established, still advocating that earlier conception of what effective protection would entail in those domains: small, fenceable areas of relic heritage value or contemporary Aboriginal concern, and demarcation of limited, scenically attractive zones of escarpment and wetland for public enjoyment. He rejected the notion of a Kakadu National Park planned around the ecological rationale of catchment protection for the South Alligator River if such an area was to be set apart from multiple land use. Participating in a parochial Territorian politics that had long resented southern domination and interference, he saw the Park's staged expansion as an exercise in Commonwealth bureaucratic empire building to the criminal neglect of the potential for mineral exploration. Similarly, for Fisher, registration of an Upper South Alligator Bula Complex of some 250 square kms offended any reasonable and common-sense idea of sacred site protection, endangered public tolerance for site protection in general, and represented another instance of ideologically driven land alienation to the detriment of the Territory's development prospects.

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<sup>63</sup> The Legislative Council provided Territorians with a very limited degree of representative democracy from 1947 until the formation of a Legislative Assembly in 1974 (Powell 1982: 229-31).

These were the perspectives of a man who had been a mid-twentieth century coloniser in the personal sense of having devoted his working life, including years of bush work, to uncovering a particular set of valuables in the landscape and bringing them into the reach of the commercial economy, and promoting an appreciation of such uses as the dominant political mode of evaluating landscape. His career made a direct connection between the personal experience of discovery and extraction and public legitimisation of the industrial pioneering of country. That personal colonising experience more particularly informed his attack on the registration of Coronation Hill as part of a sacred site. Essential to that attack was a denial of any current authoritative Aboriginal centre on the subject of sacredness in the upper South Alligator valley. He argued that loss of knowledge rendered the present custodians unable to substantiate their status, and referred to them instead as the 'descendants of the custodians' (pers comm). Moreover, he gave only conditional acknowledgement to the previous generation. He reported that, during the years that he worked in Gimbat, he found neither knowledge nor interest on the part of local Aborigines in the art and burial sites located during exploration, and no concern about the mining then under way at Coronation Hill itself. Among the wider Jawoyn group, he allowed that senior custodians then retained knowledge of the Bula cult, but asserted that none knew of the whereabouts of the cult's physical centre, which he conceived of as the one true Bula ceremonial place, near Sleisbeck, thirty kilometres away from Coronation Hill (Fisher 1986a). In conversation with me, he acknowledged that some of these older people may have known its location, but he recalled no Aboriginal visits to the site during his time in the valley.

Presuming a continued personal right of access, he guided Davis to the registered site near Sleisbeck at the beginning of Davis' consultancy work, without reference to the Authority or the custodians. Such actions are often legitimised by white Territorians of long local experience by reference to their own record of discovery, knowledge and use of places. That experience stands for them as foundation for the privileged first knowledge of the pioneer, and against the claims to authority

implied by more recent layers of distant and depersonalised administrative control over land access. The extent to which Fisher internalised his status as the 'first knower', so to speak, of Gimbat sites, is revealed by his conviction that contemporary investigators would not be able to find what he had found. He claimed that two anthropologists and a group of Aborigines he had met researching the Jawoyn (Katherine Area) Land Claim in about 1980 had been unable to locate the Sleisbeck site.<sup>64</sup>

When I met this party returning from the "Sleisbeck" area I was asked if I knew of significant sites in that area and from the information given I presumed that they were searching for the site of "Bulla".

Though I knew the location I had no intention of divulging its whereabouts. If the Aboriginal elders did not know the site then it could not have the significance that it has now assumed. (Fisher 1986b: 8)

He also believed that a map, showing sacred sites in Gimbat registered by the Authority including Sleisbeck, was compiled by copying sites from a map he had submitted to the NT Welfare Branch in the 1950s which had been deposited in the archives (Davis 1986b: 12; Fisher pers comm), rather than from information independently acquired from the Authority's own extensive field research programs.

On the meaning of the Sleisbeck site, Fisher (1986b: 2-3) argued, real authority lay in the writings of the dedicated, unpaid, amateur anthropologist Walter Arndt. Arndt's first paper (1962) identified six sites, two near Sleisbeck, one to the north on Gimbat Creek, and three in the upper South Alligator valley in the catchment of a small tributary. While Arndt attributed significance to five of these only for the mythological content of their paintings, he described the main Sleisbeck site, physically larger and more elaborate, as a ceremonial and initiation centre, and composed in part of features created by the main creation figure as he crawled, sick

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<sup>64</sup> In fact that site had been visited on a previous field trip and they were not then going there



and crippled, to his underground resting place. His findings relied on a combination of two sources of knowledge available in the 1950s. The first was the local knowledge of the uranium miners, who had come upon many Aboriginal painting sites in the course of their prospecting and development work. Fisher himself guided Arndt to the sites in the upper South Alligator valley, and an employee of another company showed him the Sleisbeck site. The second source was cultural information preserved among Aborigines of the Katherine area to whom Arndt showed photographs of the rock paintings. Fisher considered that,

Mr. Arndt was a professional, he had a degree in Agricultural Science and his expertise in anthropology developed from field experience and his rapport with the Aboriginal people.

Mr. Arndt was not paid for this work, he was not polarised and the only axe he had to grind was his interest in anthropology. In my opinion he was a true professional who made a significant contribution to our knowledge of Aboriginal culture, and it is distressing that his professional standing as anthropologist [sic] has been questioned by those who should know better.

(1986b: 3)

Davis took this effort to re-locate ethnographic authority over Gimbat one step further. Like Fisher, he accepted Arndt's work as the authoritative account of Aboriginal belief. He reported (Davis 1986b) that the current custodians recognised photos published by Arndt of the physical site features and associated them with the most important Bula site, but did not know the location of that site near Sleisbeck and had been led to believe that those features were located on Coronation Hill. Davis recounted that when he revealed to them that the photos were taken of the Sleisbeck site, they acknowledged their 'mistake' and retracted their concerns over drilling at Coronation Hill. They subsequently accompanied Davis on a field trip 'to reveal the site shown in Arndt's archival photographs' (1986b: 5).

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(Merlan 1986).

Upon seeing the stone pathway the men confirmed that this was indeed the site they had been looking for and had assumed was at Coronation Hill. . . . Upon reaching the overhang the men exclaimed their confirmation of this as the critical Bula site which they had assumed was at Coronation Hill.  
(Davis 1986b: 6)

My purpose in citing this is not to give credence to Davis' assertions,<sup>65</sup> but to illustrate the full extent of his intervention. Having joined with Fisher in relocating authority outside the custodians, he now sought to install Arndt's account of the sacred geography of the area as authoritative among the custodians. Here Davis purports to guide them to the one true path, literally and metaphorically, to knowledge of the centre of the Bula cult as established by Arndt. In part, this was critical to the strategic intent of his consultancy. By introducing senior Jawoyn to the one true Bula site and thereby restoring correct doctrine to their minds, he sought to relieve them of any concern over development works at Coronation Hill. As well, however, he suggested to them that the conditions were now established from which they could resume their custodial responsibilities for Bula. Davis thereby inserted Arndt and himself as links in the transmission of knowledge and custodianship.

Coulter and Alcorta were thus able to argue their case against the site registration from the local testimony supplied by Fisher and Davis. The direct access that Davis had to the current custodians was yet another line of liaison over Coronation Hill alongside those already established by the Authority and the project team, but it was informed by an entirely contrary political ethic. Rather than seeking access to an authoritative Aboriginal centre from a formal position of deference, his liaison was more activist, aiming to lift the attention of the custodians away from

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<sup>65</sup> Davis' report was given detailed rebuttal by officers of the Authority and was ultimately unsuccessful in challenging the registration of the Upper South Alligator Bula Complex (though, as indicated below, it had significant indirect implications for the Authority). The particular errors involved in the point under discussion were his claims that the custodians had believed, even up to the time of his consultancy, that the features of the Sleisbeck site were present at Coronation Hill (see Levitus 1990: 33-34), and that none of them had visited the Sleisbeck site before. Barraway, at least, certainly had.

Coronation Hill and re-focus it around the place documented by Arndt. In the terms of my earlier chapters, Davis' activism was evident in his arrogating the choice of text for the theatre he was planning for Sleisbeck. On the day before the trip, he attempted to rehearse it with Nipper Brown:

- Davis: "What do you reckon, when they registered that or made that sacred site to start off with, do you reckon they may have made a mistake about that one, Sacred Sites (A.S.S.A.)?"
- Nipper: "They got to clean him up."
- Davis: "They got to clean him up . . . Coronation Hill?"
- Nipper: "They need to clean him up from old time."
- Davis: "They need to clean up from that old mining operation. How do you feel about that? You're not sure how you feel, you reckon you'll feel better about mining operation if you can go down and see this other place, see this big place, this proper Bula one."
- Nipper: "That one (Sleisbeck) no one cut."
- Davis: "Nobody is to touch that one. Will you feel better about this Coronation Hill when you know really then where that proper Bula is?"
- Nipper: "We know that one. It's a long . . ."
- Davis: "It's a long way from Coronation Hill. That's right it is. That's why it's alright to go ahead with Coronation Hill because this other proper Bula is a long way away?"
- Nipper: "It's a long way."
- Davis: "Alright, well." (Davis 1986a: 6)

The Davis report further questioned the ethics and professionalism shown by officers of the Sacred Sites Authority in registering both Coronation Hill and Big Sunday as part of a sacred site. These allegations were used by Ministers in the NT Government to establish an inquiry into all aspects of site protection laws and procedures, announced in August 1986. The conservative challenge thus went



beyond the registration of Coronation Hill to place the overall regime of site protection under review. The BHP project team was already aware from its own research of the existence of ethnography, including Arndt's, that did not attribute sacredness to Coronation Hill, and of local white memory that adamantly denied it, mostly from sources consulted amongst the preceding Aboriginal generation. Peter Rush had also been told by Davis, a month before his consultancy project, that Davis' inquiries around Katherine had revealed that Arndt's informant, Soupy Marapunya, had died without passing on his exclusive knowledge of the Bula cult, and Nipper Brown had forgotten his early ceremonial experience of it. This culture-loss perspective, however, was now being asserted as a truth that informed powerful political moves to overturn the regime that had stymied development at Coronation Hill.

Still, the company stood on the sidelines. The BHP project team had pursued its liaison efforts during the first half of 1986 in the expectation that the Coronation Hill project would ultimately proceed with Aboriginal approval. Regardless of what it thought of the ethnographic basis of the Authority's site registration, the team set out to meet the formal authorisation requirements that flowed from that registration. Regardless of what it could ascertain of Aboriginal knowledge and concern with respect to the upper South Alligator valley and Coronation Hill, the team deferred to the presumption that underlay the Authority's involvement in the issue, that an authoritative Aboriginal centre on these matters existed and was represented in the persons of the senior Jawoyn custodians. This was a strategic decision by the project team, and it was adhered to against those countervailing indications that they accumulated from anthropological and oral historical sources such as Arndt, Chaloupka, Fisher, Callanan and Pietsch.

When Alcorta (1986) wrote a front-page newspaper article in June claiming that BHP was abandoning Coronation Hill out of frustration over negotiations with Aborigines, and the *NT News* followed with an editorial tirade against the site registration entitled 'Stop this madness', senior company executives denied the

report and Leckie told NLC officers that the company had been 'acutely embarrassed'<sup>66</sup> by the publicity. The *NT News* attacked BHP's reticence to join a campaign against the Aboriginal industry as locally represented in the Sites Authority (Ellis 1994: 103). Only once, after the reversal of the meeting of 4 July, did the company make adverse public comment. BHP Minerals General Manager Rod Harden issued a press statement criticising the legislation that allowed the Authority and the NLC to intervene without accountability or recourse for disadvantaged parties. He specifically targetted what the company perceived to be a strategically motivated misuse of the Authority's legislation:

We are concerned that the NT Government legislation apparently allows the Aboriginal Sacred Site Protection Authority (NT) to take on a role similar to the NLC by helping advance Aboriginal claims on lands which are not eligible for claim under the Land Rights Act. It also appears that the legislation is being used as leverage to negotiate formal agreements for access and conditions of development as though, as in the case of Coronation Hill, the land concerned were Aboriginal land.<sup>67</sup>

However, after emerging from a subsequent Authority meeting of 11 July with its development authorisation confirmed, the company did not pursue the matter. Following resumption of its work at Coronation Hill in August, the project team adhered to existing Authority procedures for the authorisation of further development work later in the year (see chapter 4). The NT Government's inquiry led initially to a proposed weakening of the sites legislation, but the superior force of the Commonwealth Land Rights Act caused policy-makers ultimately to negotiate a revamped and in some respects strengthened statutory regime of sacred site protection that was introduced in 1989 (Ritchie 1996: 214). The push described here thus failed to dislodge the presumption of an authoritative Aboriginal centre that underlay the existing legislation, and the procedural reliance upon

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<sup>66</sup> Record of Conversation, June 17, 1986, NLC Office, Katherine, Aboriginal Areas Protection Authority files. For a more detailed account of the media activity surrounding the Davis report, see (Maddock 1987: 126-30).

<sup>67</sup> Rod Harden, nd, Statement by BHP Minerals General Manager, BHP/Newcrest Correspondence and Reports.

contemporary Aboriginal testimony that followed from that presumption in management of the Coronation Hill issue.

## **Conclusion**

This chapter has concentrated on the early stages of the Coronation Hill issue to mid-1986, and has shown how the senior Jawoyn, being the 'custodians' under the sites legislation, were thereby installed into a position structurally central to administrative and political processes. The external agencies with an interest in the issue responded to that centrality in diverse ways, and the character of those responses in turn determined the public politics of issue management that followed. Most importantly, every external agency sought direct access to custodian testimony in theatres of their own design, and the preservation of the authoritative Aboriginal centre against conservative challenge ensured the continuation of such multiple and competing liaison relationships. Theatres thus remained an essential instrument of issue management, informing both the formal site protection procedures of the Authority and the various and competing programs of other agencies.



## CHAPTER 7

### CONSULTATION AND DEVELOPMENT

In the previous chapter I considered the contest that developed between agencies involved in the management of the Coronation Hill issue over direct access to Aboriginal custodians and the discourse of sacredness of which they were understood to be the bearers, competing claims to cross-cultural competence in communicating with them, and the unsuccessful conservative challenge to the underlying presumption of an authoritative Aboriginal centre. Here I will consider the outcomes of the communication that the Authority and the project team maintained with the Jawoyn, especially the senior custodians. The focus here is not on the texts produced by the custodians, but on what various interlocutors believed they were being told by the Jawoyn. The first section looks at the Authority's approach to the consultations process as practised and justified by Ellis, and at the project team's disaffection with it. I will show that inconsistent interpretations of Aboriginal wishes emerged even from those formal consultation events such as those discussed in Part 2 at which officers of both agencies were present. Emerging as they did from such simultaneous experience, these inconsistencies not only expressed with greatest immediacy the competing claims to understand Aboriginal action, but implicitly referred back to what each agency thought it had independently found out about the status of Coronation Hill as a sacred site.

I will then look at outcomes from two other fields of interaction with the Jawoyn. One of these is the program of informal liaison, which covered a diversity of dealings, that the project team sustained in the Katherine region and the upper South Alligator valley. This suggests an understanding of the team's disaffection with the development approvals process by reference to the signs of unqualified consent that it noted elsewhere from the Jawoyn. The other is the site documentation program across Gimbat and neighbouring areas to which David

Cooper of the Sites Authority, and some other researchers, devoted a number of field periods. It addresses the dissenting perspective that Cooper sought to articulate from within the Authority, informed by the readings from the script of religious power and danger that he recorded.

### **The contest over development approvals**

The Jawoyn meeting of 1 July, mentioned in chapter 3, produced the first of what became a sequence of development approvals. Under consideration was Area 1 on Map 6, which had been extensively disturbed by drilling benches, tracks and an open-cut pit during the earlier era of uranium mining (see Plate). The meeting seems to have been a poorly structured affair, concluded by no formal resolution or summing up. Both the BHP officers and Cooper had to inquire as to its outcome as the meeting broke up. They were told it had agreed that the drilling program could be resumed provided that it remained within the area already disturbed by mining, and that this work was to be monitored by a Jawoyn representative on site. For David Cooper, who had researched the site registration report, this was a strategic retreat by the Jawoyn. Upon being told the decision, he

questioned a number of individuals to see how they felt. No one was happy about the decision and most qualified their replies by stipulating that they only agreed to drilling in the area that was already desecrated and that a custodian would be present to make sure they didn't go further. Comments also expressed a feeling that the decision would relieve the humbug and pressure that had been placed upon the Jawoyn. Willie Martin explained to me that the men had discussed ways of dealing with retribution for allowing the site to be further desecrated and it was suggested that somebody had volunteered to take any consequences (later I found out this was Larry Ah Lin).<sup>68</sup>

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<sup>68</sup> D. Cooper, nd, File Note: Meeting Organised by BHP Barunga 1<sup>st</sup> July, 1986 Re: Coronation Hill, Aboriginal Areas Protection Authority files.



The BHP officers simply recorded Ah Lin's advice that 'the people were happy with us to proceed'.<sup>69</sup> They presumably saw this, finally, as the outcome to which all of their liaison efforts over the preceding months had been trending, and at which they had very nearly arrived during the site visit two days before (see chapter 4). The Authority, acting on Cooper's account of the meeting and on the absence as yet of any comprehensive plan for the project, granted authorisation for the drilling program to proceed in Area 1 subject to the continuous presence and approval of a senior custodian. In response, the BHP team pointed out to Ellis 'several matters in your letter which are at variance with the decisions reached at the 1 July meeting at Barunga'.<sup>70</sup> Rush accepted that further consultation was necessary for development work outside Area 1, but insisted that the meeting had given approval for all works inside Area 1 including the development of a mine, and that the Jawoyn observer was to satisfy himself only that work did not extend outside that area for the time being.

As in all these disagreements, the BHP team could only protest. For Ellis and the Authority, Coronation Hill had to be treated as an exercise in guided negotiation. That approach called for a graduated sequence of consultations, overseen by the Authority, about successive stages of exploration and mine and infrastructure development. In the wake of criticism of the incremental approvals granted by the Authority in the years 1986-87, Ellis (1994: 86-90) later offered an explanation and defence of this approach. Had the Coronation Hill project been presented in its entirety at a single consultation, assuming that project planning was sufficiently advanced to do so, it would have outstripped the capacity of the Aboriginal community to assimilate change. 'Such a process', Ellis argued, 'offered neither procedural fairness to the proponent, nor opportunity for informed judgment by the custodians' (1994: 87). Staged consultation would ensure that each decision by the custodians was properly informed, and that each new proposal could be put against

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<sup>69</sup> P.M.Rush, 17.6.86, Note to File: Notes On the 1<sup>st</sup> July, 1986 Meeting at Barunga, BHP/Newcrest Correspondence and Reports.

<sup>70</sup> P.M.Rush, 9.7.86, Letter to R.W.Ellis, Aboriginal Areas Protection Authority files.



a background of works already understood and approved. Mutual understanding and exchange might allow modifications to the project that were desirable to the custodians. Ellis believed that damage to a location could be intellectually accommodated, and that giving the project team opportunity to broach the benefits that the Jawoyn might realise from the project as it advanced was to do no more than allow an appeal to Aboriginal notions of reciprocity and acknowledge the dynamic character of the evaluation and management of sites by custodians. Finally, the whole process might facilitate a positive relationship that offered other future benefits. Ultimately, Ellis affirmed his underlying conception of the custodians as bearers of authority and responsibility, continually concerned and involved in a matter of ongoing land management.

In accord with this orientation, Ellis' management of the consultation program emphasised careful communication of the full extent of all proposed work and cautious interpretation of Jawoyn responses, especially those of the senior custodians. Thus, following the next development consultation of October 1986, at which proposals to extend exploration and testing outside the previously disturbed area were presented and, in the view of the BHP team, fully approved, Ellis withheld permission for upgrading an access track connecting the ore deposit on the north-east face with proposed infrastructure developments in the back valley (Map 7) because he was not satisfied that the Jawoyn in attendance had fully understood that aspect of the intended work. He wrote to Rush that Ray Fordimail had agreed a further inspection was warranted. While the BHP team had to defer to Ellis' judgments on these events, their own continued direct access to the Jawoyn left them sceptical of the need for such caution and concern. In the case of the last instance, when Rush visited Fordimail at Barunga and explained the work requested, he noted that Fordimail 'said that should be alright!'.<sup>71</sup>

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<sup>71</sup> P.M.Rush, 16.11.86, Note to File: Meetings With Various Aborigines 13-14<sup>th</sup> November, 1986, BHP/Newcrest Correspondence and Reports.

The contrasting interpretations of Jawoyn behaviour to which officers from each organisation were inclined were demonstrated again at the development consultation of 3–4 June 1987. The site inspection and meeting over those two days was the first major community consultation for development approvals since the trip of October 1986. Pursuant to Rush's concern to be able to assure the Government of the consent of all relevant Aborigines, three minibuses and other vehicles brought about thirty people who, with the Jawoyn project employees, inspected proposed work areas at the mine site and in the back valley. During a lengthy discussion at the men's meeting the following day, the whites in attendance were, contrary to usual practice, not requested to leave even when two speakers addressed the gathering about Bula. Rush noted that 'this was the first time that CHJV staff had been allowed to remain whilst these matters were discussed'.<sup>72</sup> Project team officers recorded that all proposals were approved with the exception of blasting for bulk sampling. Peter Jatbula disapproved of the use of explosives and Raymond Fordimail deferred the matter to a forthcoming Jawoyn Association meeting. Leckie's site report for that fortnight commented:

The visit was very successful and the Jawoyn are becoming more relaxed in our relationship.<sup>73</sup>

Ellis, however, had doubts. He and Cooper arrived independently with Jatbula and several other Jawoyn and camped with them on the river rather than at the El Sherana accommodation provided by the project team. During the site inspection he expressed reservations about the behaviour of a number of senior custodians, and wondered if their absence or reticence should be interpreted as disquiet about the proposed developments.

Bob Ellis tried to attach significance (related to their concerns about CH) to the fact that Sandy was not at the meeting, Frank did not want women to go

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<sup>72</sup> P.M.Rush, 9.6.87, Note to File, Subject: Aboriginal Community On-Site Meeting, BHP/Newcrest Correspondence and Reports.

<sup>73</sup> D.Carville and J.F.Leckie, 9.6.87, Coronation Hill Joint Venture Fortnightly Report to 5/6/87.

up on CH, that Peter was camped with them and that he thought Nipper did not want to come to the meeting. The writer said that he was placing undue significance on these matters and that they could be explained by other reasons.<sup>74</sup>

The Authority gave permission for all works approved by the formal gathering held the next day, except for drilling on the north flats between the hill and the river that was intended to verify the north-western limit of the deposit. Ellis expressed uncertainty as to 'whether the full impact of this proposal was understood or that clear approval was stated'.<sup>75</sup> Leckie responded impatiently. He recalled how he had clearly and repeatedly enunciated the request during the site inspection, and argued that the project team should pressure Ellis for permission, rather than allow him 'to continue his prevarication as he has in the past'.<sup>76</sup> When Hewitt pointed out the detail with which this intended drilling had been explained both on site and at the El Sherana meeting, Ellis responded in terms that suggested he was not entirely happy with any of the approvals that had been recorded at that meeting.

The manner in which people sought to avoid final resolution of issues was a clear sign that they were discomforted. In traditional behaviour, it is good manners to not refuse a request but to change the subject and avoid further reference to the request — it still implies a "no". It was, in fact, quite rude and illmannered of me to insist on "decisions" favourable to your other requests when confronted with the behaviour we observed.<sup>77</sup>

With respect to both the site inspection and the meeting the next day, then, the project team and Ellis disagreed. What appeared to Hewitt, Leckie and Rush as a transparent and effective process of consultation leading to unqualified informed consent, was for Ellis a matter of reservation and doubt based on his claim of more

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<sup>74</sup> P.M.Rush, 9.6.87, Note to File, Subject: Aboriginal Community On-Site Meeting, BHP/Newcrest Correspondence and Reports.

<sup>75</sup> R.W.Ellis, 5.6.87, Letter to W.V.Hewitt, Aboriginal Areas Protection Authority files.

<sup>76</sup> F.Leckie, 17.6.87, Memorandum to B.Hewitt, Aboriginal Affairs, BHP/Newcrest Correspondence and Reports.

<sup>77</sup> R.W.Ellis, 30.6.87, Letter to W.V.Hewitt, Aboriginal Areas Protection Authority files.



subtle, culturally informed observation. In this, he echoed the tone of Cooper's reservations about the approval given by the meeting of 1 July 1986.

Indeed, while Ellis had always emphasised gradualism, he now seemed to have a heightened sense of the issue of development at Coronation Hill as a matter of the carefully timed management of Jawoyn apprehension. This arose presumably from the new stages of work now being broached, involving the extension of exploration and testing more widely around the project area and away from the hill itself (Map 7), and a higher level of disturbance associated with the proposed use of explosives at the mine site. With respect to the extension of the miners' activities, the Authority acted on the principle that everything required approval, that authorisation for a given level of disturbance at one location within the registered site did not provide precedent for similar or even lesser disturbance at another location. Thus, in February, the Authority had granted permission for flora and fauna studies, necessary for the preparation of an Environmental Impact Statement, to proceed within the Upper South Alligator Bula Complex provided that 'environmental disturbance, particularly the breaking of rocks, be avoided at all costs'.<sup>78</sup> At the time this stricture was imposed, the project team had, with authorisation, drilled 28 holes into Coronation Hill. All research and experience to date indicated to the team that Aboriginal concerns were focussed on particularities in the valley landscape, but the Authority's own work suggested a model of diffuse mythological danger varying in degree across large areas, in none of which could a presumption of free space be safely made.

Explosives raised the complementary problem of intensified disturbance. After the inspection of 3 June, Ellis, Cooper and the project team had discussions in the site office. According to Rush, Ellis correctly anticipated that the only current proposal that might not be approved at the next day's meeting would be blasting. The project team soon after agreed to delay pursuing that approval. Now moreover, Ellis' letter

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<sup>78</sup> D.Ritchie, 25.2.87, Letter to BHP, Aboriginal Areas Protection Authority files.

to Hewitt of 30 June referred to anxieties felt by custodians after a recent earth tremor<sup>79</sup> that they associated with Bula. He suggested that the option of siting an accommodation camp near the escarpment north-west of Coronation Hill should be abandoned, presumably on the understanding that the escarpment zone tended to be more sensitive, and that for the time being work programs be 'restricted to essential studies'<sup>80</sup> and no further discussion of drilling or excavation be sought.

### **Informal liaison and the theatrical frame**

The development consultations discussed so far in this chapter were analysed as theatres in Part 2, as were some other significant organised consultation events. In chapter 6, however, I began dealing with a wider range of interactions that the project team sustained with the Jawoyn, and now need to consider the significance of these for informing the team's perceptions of the Jawoyn and their views, in other words, for filling out and contextualising their efforts to securely engage with the Aboriginal centre.

To consider these liaison efforts in terms commensurable with what has been said so far, I ask here how well, or how usefully, they might be included in the theatrical metaphor. Ellis' distinction between informal liaison that aimed to enhance personal familiarisation and provide information to the Jawoyn on secular aspects of the Coronation Hill project, and liaison that framed senior Jawoyn in the role of custodians and sought responses from them in that capacity regarding the values of place in the upper South Alligator valley, is pertinent here. It is only the latter instances of liaison that are relevantly considered as theatres for the purpose of interpreting Jawoyn performance with respect to the status of Coronation Hill.

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<sup>79</sup> This was probably the tremor that occurred on 17 June, centred in the Banda Sea about 600 kms north of Darwin. It registered an intensity of 3 in the Katherine area and, ironically, an intensity of 0 in Gimbat. Thanks to Kevin McCue of the Australian Seismological Centre.

<sup>80</sup> R.W.Ellis, 30.6.87, Letter to W.V.Hewitt, Aboriginal Areas Protection Authority files.

A further distinction might be made in terms of brevity of interactions. Plainly the concept of theatricality is most suitable for the elaborate and often drawn-out occasions that I used to establish the metaphor in Part 2. At the other extreme were a range of more momentary dealings between various external agents and Jawoyn custodians, often for the purpose of arranging those more substantial consultation events. What were, from the points of view of the BHP team, Cooper and others, exercises pursued to a purpose, the custodians must have experienced as random hits in the form of chance encounters on town sidewalks or vehicles unexpectedly pulling up on the edge of their camps. In these scenarios of one-on-one conversation, there was no space and no call for consideration and judgment about theatrical context and appropriate script, but the greater immediacy of propositions being put and answers required. On the face of things, custodians' statements are often amenable to explanation in terms of the familiar 'saying what they thought people wanted to hear' syndrome (Harris 1987: 2), and thus not appropriately interpreted as a considered and contextualised choice of text. A notion such as Goffman's 'participation framework' (1981: 137) might be useful for setting apart these interactions as discrete intervals in the run of daily affairs that otherwise engaged the participants, but the data do not warrant an analysis of such frameworks in terms similar to my analyses of theatres.

So not all liaison exercises are properly or usefully considered as theatres, but I do not want to propose any clear dividing line, either with respect to Ellis' distinction, or brevity. My point here is only that it is a question of circumstance as to whether Jawoyn responses on any particular occasion should be made to bear much analytical weight. The liaison carried out by the project team in the week before the development consultation of early June 1987 is one instance that can be considered in theatrical terms, both because it included a field trip that was more than a momentary interaction, and because it recorded a number of unelicited comments from senior Jawoyn (see end of chapter 4) that were plainly not a rote function of what they thought the project team wanted to hear. In that week, Rush visited a number of Jawoyn camps to encourage people to attend the meeting, and took four



senior Jawoyn to El Sherana and Coronation Hill. His notes, which were copied to Leckie, recorded requests for vehicles and inquiries concerning payment of mining royalties from several people, including Barraway and Brown, and concluded that in general, 'there was no indication of any problem about us mining at CH'.<sup>81</sup> The following week, Leckie himself wrote an account of the development consultation which he introduced with the comment that it was to consider permitting work within 'the alleged sacred site encompassing Coronation Hill'.<sup>82</sup>

Another instance followed similarly from the BHP team's encouragement of Jawoyn people to see what it was doing in the valley. When, after the decision of 1 July 1986, the Jawoyn Association did not nominate a custodian to monitor the drilling work that resumed in August, the BHP team took matters into its own hands and brought Nipper Brown and his wife Queenie out to the valley for an overnight visit. Leckie gives this account of the Friday's activities:

They both appeared in reasonable shape about 7.30am Friday, and we had breakfast. Mark Gardiner took them down to the South Alligator (Flying Fox) crossing for a wash. The four of us left for Coronation Hill about 9am.

At Coronation Hill we first visited the drilling rig on site CHDDH18 and watched a run. Photos were taken and the process of drilling explained to Nipper, who was very interested. Nipper's comment was that it was "good" and that he had no worries. We spent approx.  $\frac{3}{4}$  hour at the site, and Nipper and Queenie met the driller Peter Heffernan and his offsider Gordon Atkinson who were both very helpful.

The prepared areas at proposed sites 1, 2 and 9 were also inspected and Nipper and Queenie were both happy about future drilling there.

We also visited the driller's pump station on the South Alligator. Nipper was a bit worried that taking too much water out of the South Alligator might make it dry up and this would be a big worry for him. We reassured Nipper that we were only pumping a small amount of water and we would not dry up the river. Nipper was satisfied with that.

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<sup>81</sup> P.M.Rush, 1.6.87, Note to File, Various Meetings, Aboriginal Affairs, Coronation Hill Project N.T., BHP/Newcrest Correspondence and Reports.

<sup>82</sup> D.Carville and J.F.Leckie, 9.6.87, Coronation Hill Joint Venture Fortnightly Report to 5/6/87.

On returning to El Sherana camp we showed Nipper and Queenie the 350m of core we had on drums and pointed out some gold. They were pleased with this.

The four of us had lunch at El Sherana at approx. midday and Mark Gardiner returned Nipper and Queenie first to Ah Toy's store in Pine Creek to collect their supplies, and then to their camp at Edith Falls where they arrived approx. 3pm.

On Friday both Nipper and Queenie were very approachable and friendly. They were both happy about the work we were doing at Coronation Hill and Nipper was quite interested in the drilling process. Nipper also offered to tell Peter Jatbula about our work and it appeared that Nipper did not expect any adverse reaction from Peter.

Nipper was paid \$100 consulting fees and a box containing a small amount of food and tobacco was given to Nipper and Queenie when they left our camp.<sup>83</sup>

In terms of the analysis I presented in Part 2, a visit such as this could be placed in a theatrical frame to contribute to the analysis of the Jawoyn position, but it is perhaps more apt here to introduce another distinction. For understanding process within the Coronation Hill issue, the theatrical frame is significant both inwardly, for its effect on what the custodians said, and also outwardly, for the conclusions that it led external interlocutors to draw about Jawoyn wishes.<sup>84</sup> The point of what I have said so far in this section is that the performances, especially the more informal and impromptu ones, elicited from the senior Jawoyn are not in all cases to be relied upon for an analytical inquiry into Jawoyn motivation such as that essayed in Part 2. That is, the inward effect of such theatres, in framing Jawoyn responses, often cannot be attributed much significance. Outward significance is more widely identifiable, however, because each such occasion provided for one or other external agency private verification of the perceptions that it held about the

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<sup>83</sup> J.F. Leckie, 24.8.86, Note to File, Aboriginal Affairs, N.T., BHP/Newcrest Correspondence and Reports. The project team included a photograph of their visit, showing them standing next to a drilling rig at Coronation Hill, in a submission to the Senate Inquiry (SSCNR 1987b: 2647).

<sup>84</sup> This distinction between the inward and outward effects of theatres might be re-stated as that between the significance of theatres as understood by me, the analyst, and as understood by the external agencies involved in Coronation Hill.

disposition of individual Jawoyn towards the mining project. Episodes such as Brown's visit described here were of theatrical significance in that outward sense of providing the project team with confirmation that their activities did not offend custodians' sensibilities.

Taken in terms of inward and outward effects, theatres such as this have a bearing upon the analysis in Part 2 in two respects. The outward effect meant that the external agents who registered responses of this kind from the custodians would then bring with them, to any of the more formal consultation events in which they participated, presuppositions regarding what the Jawoyn really thought. These could then operate as a subtle scene-setting influence in those theatres. Informal liaison relationships might thus intensify the containing influence upon the custodians of the scene-act ratio. It meant also that where such formal theatres produced an outcome that challenged those presuppositions, there was a search for secondary rationalisations to protect the presuppositions: pressure, cultural ineptitude, and so on. I have begun looking at some such rationalisations in this chapter.

The inward effect is similarly of significance with respect to formal development consultations, though perhaps better described as preparatory than anticipatory. If, as I have suggested, the theatres of formal development consultations are understood as momentary public manifestations of an underlying discourse favouring development, then the identification by custodians with that discourse on each such occasion could be more readily achieved from the prepared ground of familiarity with the miners and their activities that was fostered on informal visits such as this. The description above of the visit of Brown and his wife to the project site is apt for the sense it gives of the personalised access that the team offered. The project team's accounts of these interactions present this appearance of familiarity and ease as uncomplicated and transparent.

This section has addressed the significance of the project team's informal liaison



campaign for informing its view of Jawoyn interests and concerns in the upper South Alligator valley. In the interests of maintaining analytical continuity, I have approached that task by asking to what extent the team's liaison efforts could be usefully conceptualised in theatrical terms. This has led to two distinctions, one between more substantial encounters that framed senior Jawoyn in a custodial role, and other briefer or more secular interactions, and the other between the inward and outward influences of theatres. The first distinction has indicated the criteria that might sensibly be applied in deciding which liaison events should count as theatres of the kind analysed in Part 2, that were generative of texts of value for interpreting Jawoyn responses to Coronation Hill. The second distinction is the more relevant to the argument of this chapter, in that it allows that any participation framework could have an outward effect on the project team's views, giving it reason to believe that the custodians consented to its activities. Not all participation frameworks are usefully analysed as theatres.

Finally, however, these thoughts concerning the project team's liaison program bring us to a fuller understanding of the significance of theatres within the political process. The sequence of inward and outward effects, of scenic factors containing the custodians' acts, and of custodians' selection of text legitimating further steps in management of the issue, make theatres into moments of reciprocal influence between custodians and external agents. Further, that reciprocal influence explains how programs of informal liaison between an external agent such as the project team and the senior Jawoyn, can intensify the relationship between different theatres that I identified at the end of chapter 4, the relationship of scenic similarity, whereby like scenes contained like acts.

### **Cooper's dissent**

The development consultation of early June occurred in the middle of a period of fieldwork by David Cooper and a rock art consultant, Ben Gunn, aimed at documenting the art and mythological sites of the region across Gimbat and

immediately neighbouring areas affected by the presence and signs of Bula. This was the first major site documentation effort in the area since the trip that Cooper did in September 1985 which led to registration of the Upper South Alligator Bula Complex. This renewed program was intended to provide custodians with the opportunity to identify other sites they wished to have registered. Those registrations would install an Aboriginal legal interest at particular locations in an area of the upper South Alligator and Katherine River catchments over which the Federal Government was contemplating allowing a mineral exploration program (see chapter 8). Cooper's site documentation work continued over the dry seasons of 1987 and 1988. Apart from adding to the number of registered sites, his reports sought to substantiate from the testimony of custodians a concept of Sickness Country as a large unified sacred and dangerous area across which the sensitivity and powers of Bula extended, radiating from and connecting the major sites. The boundaries that Cooper tentatively drew marked out an area of about 3000 sq kms and included a number of BHP's tenements. Moreover, the concepts of mythological presence and danger that he expounded proposed an Aboriginal view of the region that precluded any form of mineral exploration or recovery.

I do not have the space here in which to trace the elaboration of notions of religious presence and power that emerged from these documentation trips. I confine my discussion to the implications that Cooper's work had for the management of Coronation Hill. The term 'Sickness Country' is one that the BHP project team had already encountered from its early research in Arndt's published papers (1962: 303; 1966: 232), and again in some text written by Cooper and contributed by the Authority to induction material compiled by the team for new workers at the Coronation Hill site. Arndt's papers need have given the project team no concern with respect to Coronation Hill. The first paper associated the concept of sickness with the deformed shape of the creator being following the sting of a hornet, as represented in rock art motifs and the features left by his final acts at the Slesbeck site (Arndt 1962: 304-6). The threat of apocalyptic response to disturbance was attributed only to that site. The second paper suggested a more general semantic



connection between sickness and the creation era. Cooper's account for the induction program briefly stated the wider extent and dangers of the region associated with Bula but did not attribute those dangers to Coronation Hill any more directly than had Ellis at the time of the site registration.

In July 1987, Ellis sent Rush an extract from a site registration report that Cooper had prepared for a large triangular sandstone outlier on the western side of the Katherine River which he called the Ngartluk-Jeywunay Site Complex. While the areas discussed in this extract were many kilometres south-east of Coronation Hill, Cooper here set out the implications of the concept of Sickness Country for mineral exploration in more absolute and detailed terms than the project team had yet encountered. Danger, he explained, is assessed by Jawoyn custodians as a function of the level of disturbance and its distance from the important Bula sites. These sites would sense the large-scale use of explosives at distances of several kilometres. In view of the massively destructive forces that might arise, the custodians regarded a prohibition against mining as imperative across the entire region. Again there was no mention of Coronation Hill; the report itself referred only to the BHP tenements within the proposed registered area. Rush offered to discuss the matter at a convenient time.

The time for the project team to address the results of Cooper's work arrived several weeks later, when another of his reports came into its hands. Entitled *Traditional Concerns Regarding Mining Activity in the Conservation Zone of Kakadu Stage 3* and written by Cooper in discussion with Ellis, this report was intended to influence current Federal Government deliberations over resource management across a large portion of Gimbat and neighbouring Goodparla Stations, designated as Conservation Zone (see chapter 8). The report argued for the removal of large areas from the Conservation Zone on the grounds that they were a part of Sickness Country and therefore considered by Jawoyn custodians as in need of protection from such high-level disturbance as would accompany mining. While BHP disputed the general argument that Jawoyn concerns about



sacred sites in Gimbat were anywhere so extensive in nature as to imply broadscale proscription of mining, the company took up in most detail Cooper's comments about development consultations over Coronation Hill.

Cooper's discussion of the consultation process began in terms consistent with the views of Ellis. He argued that while land rights and sites protection legislation in the NT had enhanced the position of Aboriginal custodians in protecting places of traditional significance and required that development be approached in a consultative manner, certain conditions as to time, effective communication and respect were required to allow custodians to genuinely exercise their rights. Whether they had been able to do so was a matter for culturally sensitive observation.

Europeans involved in consultation with Aboriginal people tend to underestimate the complexities of Aboriginal culture and frequently misunderstand what is being said, often in quite subtle ways. This, together with imposed time constraints often results in a process which gives the impression that proper consultation and agreement has occurred when in fact it has not.  
(Cooper 1987: 7)

Cooper argued that the behaviour of custodians at consultation events could be affected by their lack of education and past experiences of control by European authority, and that their discomfort at such events could cause them to equivocate, say what they think is wanted, or avoid attending altogether, rather than honestly reject a proposal. He further criticised the incremental approval strategy for postponing an informed decision about a final mining operation until the company and other agencies expect it to proceed.

Many such problems, he said, were evident in the management of the Coronation Hill issue. He stressed again the limited and conditional nature of the consent to resume exploratory drilling given on 1 July 1986, and the external political intervention that had 'fuelled the anxiety and confusion which pervaded the atmosphere' (Cooper 1987: 9) surrounding that meeting (chapter 6). He claimed the

incremental approvals strategy had raised apprehension among custodians that they were caught in an open-ended process of cumulative concessions. Cooper argued that senior custodians did not understand what a mining operation would entail, especially with regard to the use of explosives. Even the approvals given so far were, he said, influenced by the personal relationships fostered by the project team and the employment and material assistance it had provided to the Jawoyn.

As Cooper's report had been sent to a number of Government Ministers, a senior BHP executive responded to some of its points. With respect to the consultation process, he pointed out that the incremental approvals strategy had been adopted under the advice of the Sites Authority to allow time for the custodians to assimilate a complex project, and the custodians had taken advantage of it by deferring their decision on some matters to allow fuller discussion. With respect to the permission granted to resume drilling on 1 July, he noted that that outcome had been reviewed by the Sites Authority ten days later and their authorisation to proceed confirmed.

By implication, then, BHP's rejoinder to Cooper read his criticisms as a dissent from the Authority's own procedures. Ellis replied in defence of Cooper's report without directly addressing that implication. He presented the incremental approvals strategy as properly advised but nevertheless problematic in its nature, and he acknowledged the pressures surrounding 1 July without drawing any inference regarding the propriety of the authorisation from the Authority that had followed. He concluded that 'the situation remains that BHP and this Authority have worked closely together and much has been achieved towards a consensus [sic]'.<sup>85</sup> The point of Cooper's report, he asserted, was to propose that the Conservation Zone boundaries be withdrawn to the north-west, outside Sickness Country, and Coronation Hill was not discussed other than by way of example.

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<sup>85</sup> R.W.Ellis, 2.11.87, Letter to Sen. G.F.Richardson, Aboriginal Areas Protection Authority files.

This exchange between BHP and Ellis further revealed that they held opposing conceptions of the relationship between Coronation Hill and the rest of the Conservation Zone. For the company, successful negotiation of Coronation Hill was an argument in favour of allowing it primary exploration rights in the Conservation Zone by demonstrating its ability to accommodate Aboriginal interests. Ellis, despite the general tenor of the Traditional Concerns document, tried to establish a sharp distinction between the two, believing that Aboriginal preparedness to accept mining at Coronation Hill, which the Authority's approvals program had fostered, did not imply any willingness to agree to an expansion of activity elsewhere in the Zone. He denied,

that opposition to a regime of further and persistent exploration activity in the "Sickness Country" represents a going back on the negotiations over Coronation Hill. It does not, (or need not).<sup>86</sup>

The Traditional Concerns report, he asserted, was addressed to forthcoming Government decisions on the Conservation Zone, and did not deal with the 'quite separate issue' of Coronation Hill.

But Cooper's critique of the Coronation Hill approvals process went beyond the points that BHP had thought to dispute or Ellis to defend. In treating it as a demonstration of the problems that could be expected to arise in the event that the Government allowed a wider program of mineral exploration across the Conservation Zone, Cooper in effect did indeed dissent from the authorisations for development works at Coronation Hill that the Authority had given. Having made the point above about culturally sensitive observation in the abstract, he repeated it with respect to Coronation Hill, attributing the difficulties of giving effect to genuine Jawoyn wishes in part to 'the inability of some to "hear" or "see" what the Jawoyn are saying in many instances and to overlook subtle messages and social

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<sup>86</sup> R.W.Ellis, 2.11.87, Letter to Sen.G.F.Richardson, Aboriginal Areas Protection Authority files.



undertones which run counter to the overt expected responses of “yes” and “no” (Cooper 1987: 11).

Moreover, he claimed, the Coronation Hill issue was having social and cultural impacts upon the Jawoyn of a kind ‘rarely witnessed outside their own communities’ (1987: 11). These impacts, such as fear of the repercussions of disturbing Bula and consciousness of their custodianship being judged by other Aboriginal groups, manifested themselves overtly in alcohol abuse, interpersonal conflicts and expressions of frustration. Though the interpretation of Cooper’s report could be disputed on matters of emphasis and choice of words, it seems clear that he regarded the consultation process not only as flawed in itself, but also as having missed those indicators evident elsewhere that most accurately revealed people’s real feelings about Coronation Hill. In effect, then, while it had to be acknowledged that the custodians had formally consented to development, Cooper wanted to argue that they had not genuinely consented.

After sending the Traditional Concerns report to relevant Ministers in Canberra, Cooper, using a model of the Conservation Zone, broadly explained its content to a meeting of about 25 members of the Jawoyn Association on 5 October. He subsequently wrote (for Ellis) to the Secretary of the ongoing Senate Inquiry that the report had ‘been adopted by the Jawoyn custodians as their submission to the Minister for Aboriginal Affairs in relation to the proposed reassessment of the boundaries of the Conservation Zone’.<sup>87</sup> Rush made independent inquiries to ascertain whether the Jawoyn were aware of its contents. During discussions in the Katherine area on 14–15 October, he found that two prominent political figures, Bennett and Fordimail, believed the report argued only for the protection of sites located around the edge of the Conservation Zone. It should be said that this would have been an understandable misapprehension, because although the bulk of the report addressed the sacred values of the general area and concern over past and

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<sup>87</sup> R.W.Ellis, 11.11.87, Letter to L.Rymer, Aboriginal Areas Protection Authority files.

present mining development, most of the specific recommendations related to exclusion from the Zone of particular areas containing sensitive sites (Cooper 1987: iv-v). Nevertheless, Rush's discussions could only have encouraged suspicion of manipulative intent on the part of Cooper. Finding once again that local opinion, with the exception of Jatbula's, remained generally supportive of the Coronation Hill project, Rush took the opportunity to encourage a number of Jawoyn people to tell the Government and NLC directly that they wanted Coronation Hill to go ahead.

## **Conclusion**

I argued in Part 2 that the record of Aboriginal testimony with respect to Coronation Hill undermines the presumption of an authoritative Aboriginal centre as understood by all external agencies involved, in that it does not reveal any consistently articulated endogenous view of the religious values of the place or of the mining proposal that is unitary at least as to theme if not detail. Very clear statements of view could be made in any one of those contexts of elicitation that I have treated as theatres, but the totality is so insistently contradictory that I have offered an interpretation of it in terms of texts generated as a function of those contexts.

So far in this Part, I have looked at the salience of that presumption of an authoritative Aboriginal centre for the way the issue was managed and debated. In these two chapters I have concentrated on two satellite organisations that sought access to people, their knowledge, opinions and feelings, and took what they were given in response to be indicative of an Aboriginal disposition towards the project that was, for Cooper and the project team in their opposite ways, consistent and reliable, and for Ellis and the Authority, considered and emergent. I have shown that the efforts of these external agencies entailed a level of inter-organisational

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friction that amounted to a contest for the control of those theatres in which senior Jawoyn were framed in their custodial roles.

The next chapter is less concerned with theatricality and more with that external contest for control. It traces the means by which a third organisation, the Northern Land Council, transformed itself from marginal observer to central participant in the management of the issue, and examines the NLC's own attempts to assert control over theatres as a concomitant of the advisor-client relationship it established with the Jawoyn.



## **CHAPTER 8**

### **THE RISE OF THE NORTHERN LAND COUNCIL**

In chapters 6 and 7 I began the task of analysing the process of consultation from the perspective of those organisations interested in the management of the Coronation Hill issue. Those chapters concentrated on the Aboriginal Sacred Sites Protection Authority and the BHP project team, and the contest that developed between them over their actions towards and interpretations of the Aboriginal centre. In this chapter I extend the analysis to another organisation, the Northern Land Council, that shared the same presumptions with respect to the status and integrity, though not the composition, of that centre. I trace the history of relations between the NLC and those two other agencies to the end of 1987, setting out the stages through which the NLC was able to transform itself from a marginal observer to principal representative of the Aboriginal interest. In so doing, I show how the Coronation Hill issue began to move beyond the possibility of negotiation and to become a dispute.

#### **The protection of Aboriginal interests in land**

In previous chapters I gave introductory accounts of the Northern Land Council and the Aboriginal Sacred Sites Protection Authority, dealing with their respective Acts and functions. For the purposes of this chapter some further discussion is needed concerning these arrangements for the protection of Aboriginal land interests. One matter concerns the class of people from which each organisation was required to take instructions. The Land Rights Act (s.23(3)) prevents the Land Council from taking any action with respect to Aboriginal land unless it has the informed consent of the traditional owners of that land and has obtained the views of any other affected Aboriginal groups. Traditional owners are members of a group or groups, such as patrilineal clans or language groups, that fit the concept of

'local descent group' in the Act and occupy the appropriate relationships of spiritual attachment and responsibility towards sites on the land. Traditional owners are thus determined by reference to the mythologically sanctioned formal social structures that mediate relationships between people and land. These structures are described from anthropological research and validated by claimant testimony before the Aboriginal Land Commissioner in the case of Aboriginal land won through the land claims process. The development of anthropological understandings of traditional ownership of the Gimbat area was discussed in chapter 2.

While, in a land claim, at least some members of the group will have to show knowledge of the country concerned, those lacking such knowledge retain the status of traditional owners by reason of their membership of the relevant group. Structural entitlement is thus the principal determinant of traditional ownership, but while participation in consultations on matters of land management is therefore in principle open to any competent member of the owning group, those with personal attributes of knowledge, relevant life experience, seniority or prestige will play the largest roles in deliberations and will be those to whom a land council has most resort for its instructions.

By contrast, the category of people empowered by the sacred sites legislation is the 'custodians'. The Authority receives requests from them for site registrations and records from them information regarding traditional significance, and it must consult them regarding requests for access to and work upon sites. Avery (1993: 123-24, 125-26) notes that the identification of custodians is not constrained by the principles governing traditional ownership under the Land Rights Act, and it therefore does not have to derive from a unified model of attachment to land, but is open rather to the indeterminacy of Justice Blackburn's earlier conception of 'the diverse circumstances in which Aboriginal people legitimately occupy land' (Avery 1993: 123), articulated in the Gove Case of 1971. Avery then distinguishes between custodians as narrowly defined within Aboriginal society, being those with some

prior structural entitlement and any others 'identified with particular sacred sites' on other grounds, and a broader surrounding Aboriginal public which has an interest in site values that is relevant where non-Aboriginal designs have a bearing upon those sites. He later explains how that distinction may become politically salient according to the object of consultation. Where the Authority seeks simply to ensure that a proposed land usage avoids sites, then consultation will focus on a small number of people found among that narrow group holding custodial status from within, who are identifiable as senior custodians, and their decision will then be referred to the larger group. Where custodians are being asked to consider an agreement for site disturbance, both they and the Authority have to more cautiously ensure that negotiations encompass the concerns of others in the regional population with more remote custodial interests who might claim compensation (Avery 1993: 127-28).

Thus, the identification of traditional owners under one Act and that of custodians under the other Act proceed from divergent principles. The distinction between the two in law indicates that the Authority is guided in its site protection role by fewer individuals, determined more specifically on criteria of personal capacities, than is the NLC which, in its broader land acquisition and management decisions, is referred by its Act to the membership of a category defined in group terms. For some purposes, the practice of consultation under both will converge on the same set of people. That set generally numbers no more than a few individuals, and their status derives from a combination of entitlement arising from knowledge, seniority in age and a privileged structural relationship with the place or area.

Another matter derives from policy history. The two separate regimes have in fact a common origin in Federal Government land rights policy. The Land Rights Act provided the definition of a sacred site as, in part, 'a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition' (s.3), and further created the offence of unauthorised entry onto a sacred site (s.69). The Northern Territory's own sacred sites legislation, however, originated from a



decision by the Federal Government not to provide for all relevant matters within its own land rights legislation, but to allow subsequent 'reciprocal' legislation (s.73) to be passed by the Northern Territory parliament, then approaching self-government. This has been an object of criticism by Land Councils who resent the denial of jurisdiction over a matter they perceive as properly a part of land rights, and who especially mistrusted the placing of that jurisdiction in the hands of a Northern Territory government dominated, from self-government in 1978 until 2001, by an openly pro-development Country Liberal Party. Once the Authority became established as a presence in the land rights field, with its separate statutory base, the Land Councils continued to oppose the development consultations that Ellis regarded as central to Authority procedures, and argued that Authority functions should be confined to site registration (Avery, Ritchie pers comms).

The common policy origin of land rights and sites protection also enshrines an underlying difference in the nature of the land interest being recognised. A sacred site takes on different implications when located on land available for claim.

Sacred sites are protected regardless of whether they are located on 'claimable land' within the meaning of the Act. However, it is assumed in the *Land Rights Act* that the protection of sites normally will have no affect on land title. . . . It is only with respect to lands available for claim that these spiritual connections with sites may become the basis for a grant of land. On other land the protection of Aboriginal sacred sites, which reflect the interests of particular Aboriginal custodians in these places, is treated as an administrative interest in the land. (Ritchie 1996: 211)

Whether the control over access and activities that passes to site custodians under this legislation is properly considered as merely an administrative interest is unsettled (Ritchie 1996: 217), but clearly the range of rights exercisable by Aborigines with respect to Aboriginal-owned land are of a different order than those exercisable with respect to registered sites on non-Aboriginal land.

The regimes for the recognition of Aboriginal land interests administered by the

NLC and the Sites Authority thus contrast in significant respects. Among these are the extent of land involved, the Aborigines with whom they must consult, and the range of issues on which they are required to consult. Generally, the NLC assists in claiming and managing areas of land, while the Authority assists in the protection of particular places of religious significance, mostly of much smaller size. However, the Authority's charter extends across the entire Northern Territory, while the NLC is restricted to unalienated Crown land with respect to its land claim function, and Aboriginal land for its other functions (subject to an important exception to be discussed later). The NLC must have regard to the wishes of those identified as traditional owners, while the Authority consults with the site custodians, again a generally more limited group. The NLC must consult regarding the full range of land use purposes bearing upon Aboriginal land, while the Authority specifically manages requests for site registration from the custodians, and requests for site access from others. In summary, then, the laws under which these two authorities operate allow the registration of indigenous land interests of different extent and according to different criteria, and require each organisation to seek instructions from different categories of Aboriginal authority. All of these points had a bearing upon the roles of the Authority and the NLC with respect to Coronation Hill.

### **The NLC and Coronation Hill**

After October 1985, registration of the Upper South Alligator Bula Complex created a legal impediment to further mineral exploration, and the Authority was the only agency with the power to regulate the project team's access to the deposit according to Aboriginal wishes. With a future land claim in mind, however, the Northern Land Council also maintained its interest in the area. It remained satisfied that the Jawoyn opposed mining development at Coronation Hill and represented their position as such. Two NLC officers recorded statements of concern about works at Coronation Hill from a small group of Jawoyn during a visit to the area in November 1985. The Senate Inquiry into the resources of the Kakadu area had by

then begun its work, and the first NLC submission to it in December stated Jawoyn opposition to the mining project. In January 1986 NLC officers attending a Jawoyn Association meeting recorded statements asserting the dangers of mining and calling for talks with the company, and the following day NLC officers visiting Canberra expressed concern over the sacred significance of the area to the Federal Ministers for the Environment and for Resources and Energy. A meeting in March of NLC Regional Members passed a resolution supporting Jawoyn opposition to the project. This marked the culmination of the first stage of the NLC response to the issue. It was a period in which NLC officers were able to maintain a role only as observers and informal advisors to the Jawoyn, in which they had no standing to formally oversee land use or site access, but in which their view of Jawoyn interests and wishes with respect to the area, and specifically regarding Coronation Hill, was based on a consistent record of expressed anti-mining sentiment.

During this time and in the following months, the dimensions of the relationship between the Authority and the NLC with respect to Coronation Hill began taking shape, manifested in an uneasy balance of cooperation and mutual reserve. Ellis wrote to the Federal Minister for Aboriginal Affairs and circulated a video about the region's sacred sites featuring extracts of testimony recorded from senior Jawoyn at the meeting of 3 February (see chapter 3). Like the NLC before, he sought to insert the Aboriginal interest in the proposed Kakadu Stage III area into the Government policy debate, and into regional land-use planning. When the BHP project team embarked on its campaign of informal liaison and information, including field trips to ascertain from the Jawoyn the location and extent of sacred places in the upper South Alligator valley, it evoked objections from the NLC and the Sites Authority, both of which wanted communications contained within channels that allowed for proper consultation procedures and representation of Jawoyn interests. As noted in chapter 6, Ellis insisted on the legitimate role of Dodson, and Dodson insisted on that of the Authority, each instructing the BHP project team that the other could not be by-passed in dealings with the Jawoyn. Consistent with this, there was ongoing cooperation between the local field staff of



both organisations. David Cooper routinely visited the NLC Katherine office and liaised with its staff during his visits to the region. These people were conscious of the lack of local institutional support available to the Jawoyn during the 1980s, before the Jawoyn Association developed its own structure and resource base. They therefore felt a responsibility to provide a source of counselling and support to Jawoyn people caught up in dealings externally instigated by the project team and the NT Government (Cooper pers comm). In addition, the Authority and the NLC also exchanged material from their files regarding the issue.

In terms of possible outcomes with respect to Coronation Hill, a divergence appeared early in their assessments of Jawoyn views. While insisting on the genuineness of Jawoyn concerns for the area and on the legitimacy of the site registration, Ellis thought the question of mining was not foreclosed. He offered the project team the assistance of the Authority in presenting new information on the project to a Jawoyn meeting, and told the Senate Inquiry that the anti-development decision of 6 March might not be final (SSCNR 1986b: 842). In a speech to the NT Chamber of Mines (Rush 1986), he discussed his experience of Aboriginal willingness to negotiate accommodations between development and sacredness, and emphasised that the consultation process had to be approached with patience and sensitivity. In meetings in March with relevant Ministers and Aboriginal Affairs bureaucrats in Canberra, he indicated a compromise might be possible between site protection and mining.

Senior NLC officers were disturbed by this. Everything that they had heard from the Jawoyn to this time seemed to rule out mining in the region containing the Bula sites. As the BHP project team's liaison efforts advanced towards seeking approval at another Jawoyn meeting, senior NLC lawyer Robert Blowes worried that the process had been too driven and that the Jawoyn were not being given the time they needed to re-consider the issue. When Darren Bennett sought NLC assistance following the decision of 1 July, Blowes made himself available for the meeting of 4 July (see chapter 4), put to it the options of rejecting development, agreeing to

exploration, or agreeing subject to a negotiated agreement, and encouraged the Jawoyn to reach their own decision regardless of external opinions.

In the absence of any change in the land status of Gimbat station, the NLC remained constrained during the remainder of 1986. Branch Managers meetings discussed the mining issue again in October prior to another public hearing by the Senate Inquiry. They noted strong differences of opinion among Jawoyn leaders and almost daily vacillations, but queried the approval given by the Authority for the resumption of work in the light of what the NLC took to be a Jawoyn decision against development at the meeting of 4 July. Appearing at the Senate Inquiry hearing on 29 October, the NLC Director John Ah Kit asserted that the NLC had no doubt that the Jawoyn considered Coronation Hill a sacred site, that this significance derived from its location within a wider area affected by Bula, and that if the NLC had carriage of the issue it would seek to place any statements by senior Jawoyn individuals with respect to that sacred significance under scrutiny by a full Jawoyn meeting. Later that day, Ellis and Ritchie, as officers of the Authority, told the Inquiry that they were bound to consider the wishes of the senior custodians, and that the Authority had not accepted the outcome of the meeting of 4 July because it was conducted by the Jawoyn Association in a manner that did not recognise the genuine wishes of those custodians. The Authority came to that view after deliberations that included discussing the matter with the main participants at its own meeting of 11 July in Katherine.

During August and September 1986, Rush and Leckie had begun developing a broader engagement between the project team and the Jawoyn. The authorisation flowing from the meeting of 1 July required that a custodian monitor development activities at Coronation Hill, but none was appointed, so Leckie brought Brown from Pine Creek for two days to inspect the progress of drilling and pumping (chapter 6). After the negative outcome of the meeting of 4 July, they had to negotiate renewed access to Barunga, which was forthcoming. They continued asking for a monitor to be appointed, and discussed the prospect of employing



Aborigines on site and of hiring machinery from Barunga Council, and of making further visits to the upper South Alligator valley and another trip to Groote Eylandt with interested individuals from the Katherine region. In early September Rush discussed these matters widely and addressed two small Jawoyn meetings. He noted favourable responses to all these suggestions, and found his private discussions with significant individuals encouraging. Even people who had previously opposed or obstructed the project team's plans, such as Jatbula, now appeared accommodating. When Federal Ministers Cohen (Environment) and Evans (Resources and Energy) announced in September that Stage III of Kakadu National Park would be declared but an adequate lease set aside for Coronation Hill to proceed subject to normal clearances, national reporting of this decision was framed primarily in terms of a contest between miners and environmentalists. That Aboriginal issues were given lesser mention reflected the state of relations between the project team and the Jawoyn. In October, Larry Ah Lin and three young trainees began working at El Sherana. Rush began discussions concerning the provision of assistance to the Jawoyn tourism and cattle development on Eva Valley station, and arranged a second visit to Groote Eylandt.

The project team were hopeful of securing Jawoyn approval for a mine before the NLC had legal grounds for intervention. The team's sensitivity to NLC participation in management of the issue was demonstrated when Ah Kit and three other officers arrived unexpectedly at El Sherana during the major development consultation of 31 October. After the meeting agreed to the further works being discussed, Ah Kit was invited to talk to the Jawoyn present, and the NLC group was then shown the Coronation Hill site by the project team. In the following days, Rush made private inquiries as to how the NLC had been notified of and invited to the meeting. When Ellis proposed his further site consultation in November, Leckie 'made it clear tactfully that BHP did not expect to see NLC personnel on the trip'.<sup>88</sup>

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<sup>88</sup> J.F. Leckie, 21.11.86, Note to file, Aboriginal Affairs, BHP/Newcrest Correspondence and Reports.



That the team found cause for concern even at this passive participation signals its perception of the NLC as a threat. Again, both sides claimed support from the Jawoyn. At El Sherana in November, Leckie raised the matter with Ellis.

I expressed our concern about behaviour of the NLC officers at the previous meeting and the fact that a number of aboriginals had been upset by this. Ellis told me that John Ah Kit had said to him by phone in Darwin after the meeting that the Jawoyn group had been pleased to see the NLC officers and welcomed their participation on behalf of the Jawoyn.<sup>89</sup>

The next day, they asked the Jawoyn.

The aboriginals did not have much to say about this. When pressed for guidance on the future involvement of the NLC, Ray [Fordimail] said that they (the Jawoyn) would invite the NLC to meetings if they required them.<sup>90</sup>

Indeed, apparently arising from the private talk Ah Kit had had with the Jawoyn at the end of the October meeting, Fordimail had already sent the NLC a letter requesting their support and advice. This was presumably intended to legitimise the existing role of officers such as Dodson and Blowes, and was the next in a series of steps by which the NLC ultimately entrenched its position as a manager of the issues surrounding the proposed Kakadu Stage III, including Coronation Hill.

By the end of the year, the drilling program had proven the existence of a commercial mineral deposit. Alongside good exploration results and successful dealings with the Jawoyn, the Federal policy environment was also looking favourable for mining. Federal Cabinet announced in December that two thirds of Gimbat and Goodparla pastoral leases would be declared as Kakadu Stage III and the remaining third would be made a Conservation Zone available for mineral exploration for five years. Coronation Hill was considered a project of national

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

significance that would be approved subject to environmental, Aboriginal and other clearances.

While senior NLC people had misgivings about the Sites Authority and its management of Coronation Hill, a number of inconsistent Jawoyn statements and the further development works approved at the October meeting had created new doubts as to the Jawoyn position with respect to mining. The NLC considered a land claim as essential to protecting Jawoyn interests in the area, especially if they decided finally to reject mining at Coronation Hill. With the Government announcement in December, Robert Blowes recommended that a land claim application be made ready to lodge as soon as the pastoral leases were resumed. In the meantime the NLC hoped, by way of Jawoyn requests for assistance, to manoeuvre itself into the role of protective intermediary and to overcome any objection to its right to be present and to advise the Jawoyn in all their dealings over Coronation Hill. This it achieved early in 1987. Up to this point, the NLC had been requested by Darren Bennett to attend the meeting of 4 July, and later requested by Ray Fordimail to provide support and advice. In January it arranged for formal instructions from the Jawoyn Association to act as sole Jawoyn representative in all matters concerning the proposed Kakadu Stage III area. The letter received by the NLC included the following:

Please advise us of the names and addresses of Northern Territory Government bodies and Mining Companies so that we can write to them to inform them that we wish the Northern Land Council to represent us and that they should not contact us except through the Northern Land Council.<sup>91</sup>

This plainly had implications for all of the principal relationships that had so far predominated in the Coronation Hill issue. In April the NLC wrote directly to the project team to advise it of the instructions it now had, and reiterated the new channel of communications that followed from that advisor-client relationship.

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<sup>91</sup> G.McDonald, 21.1.87, Letter to Director, Bureau of NLC, Northern Land Council files.

That being the case, we request that all future communications from your Company relating to the Jawoyn peoples' interests in Coronation Hill be conveyed via the Northern Land Council, Darwin office. . . .

We look forward to receiving future communications directed from your company to the Jawoyn people . . .<sup>92</sup>

The NLC thereby attempted to consolidate its intermediary role by situating itself across the interface of contact between the Jawoyn and the company. Over subsequent months, however, NLC strategy encountered difficulties on a number of fronts. The first of these was in determining the views of its new clients. At the Senate Inquiry hearing at Barunga in March 1987, Ah Kit, Dodson and new senior legal advisor Ian Gray heard a series of statements from senior Jawoyn, including two of the three male custodians, denying the significance of Coronation Hill and affirming that it could be mined (see chapter 3). While these proceedings were later criticised for cultural insensitivity including in the style of questioning, they were nevertheless registered by the NLC as a change of Jawoyn position. After a transcript of the hearing arrived, the matter was referred to the Jawoyn. At a meeting on 2 April, NLC officers noted the feeling of those present that the transcript did not represent their position and that they had felt pressured at the hearing. Then on the 24<sup>th</sup>, an NLC officer met with five senior Jawoyn whose statements had been recorded at the hearing, not including Brown or Jatbula, to discuss a response to the transcript. He reported their advice that the area had no significance and there was no reason to prevent mining. The NLC now had before it a sequence of texts, largely from the same individuals, in favour, against, and in favour, of mining, produced from theatres convened over a period of seven weeks. Having at last achieved formal standing as Jawoyn legal representative, it could not now effectively advocate its client's position because it was unable to determine with certainty what that position was. On 27 April an NLC Branch Managers meeting admitted that there was little to be done. Their position was no better

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<sup>92</sup> I.L.Gray, 7.4.87, Letter to BHP Minerals, BHP/Newcrest Correspondence and Reports.



clarified at a Jawoyn Association meeting in May where an NLC officer recorded that those present appeared undecided about the issue.

The NLC encountered further difficulties in having its role acknowledged by the BHP project team. The letter referred to above, advising the project team of the NLC's instructions to represent the Jawoyn, was sent in the midst of the events just described. That letter further offered 'to discuss BHP's current involvement at Coronation Hill in a preliminary manner at your convenience'.<sup>93</sup> Up to this point the BHP project team had regarded its direct personal relationships with Jawoyn site custodians and political leaders as central to its strategy for understanding, recognising and accommodating Aboriginal interests in Coronation Hill and the upper South Alligator valley. It had from the outset been wary of the NLC and suspicious of its motives for intervening, perceiving its tactics as manipulative of the Jawoyn and inimical to successful development of the project.

### **Direct dealings: the project team and the Jawoyn**

After November, no further approvals were sought from the Authority during the 1986 work season. The deferral of approval for the access road and treatment plant site by an Authority meeting in late November (chapter 4) represented a departure from what was a generally gratifying series of events for the project team during the latter part of 1986. Its management of the 'Aboriginal affairs' aspect of the project had demanded considerable commitment. The team often found that the promotion of the company's interests among a limited number of competent leaders and significant custodians had to compete with an array of other issues and projects demanding Jawoyn attention, as well as with the personal priorities of those significant individuals. Rush and Leckie experienced the frustrations of broken appointments, long pointless drives, and incidents of determined and chaotic drunkenness. Nor was their success unequivocal: they recognised that one senior

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<sup>93</sup> Ibid.

and central custodian, Peter Jatbula, did not approve of their intentions. They also remained unconvinced that Coronation Hill was a sacred site. Indeed, after the meeting of 19 November, Leckie was advised by one of the Aboriginal employees that most of the custodians had denied the sacredness of the area. They had at times found their relationship with Ellis difficult and his management of the issue frustrating, as the Authority provided authorisations for further work that were more limited and conditional than team officers felt were warranted by what transpired at the consultations themselves.

Rush continued direct dealings with the Jawoyn, maintaining that broad engagement established in 1986. In mid-February, with the 1987 drilling program just begun, he resumed liaising in the Katherine area. He mixed with a group assembled at Rockhole camp before an NLC meeting, and returned there after the meeting to give some people a lift back to their own camps. He contacted the project's Jawoyn employees and noted that they were all keen to resume work, and checked that their bank accounts for deposit of wages were still active. The four workers were re-employed on 3 March, Ah Lin classified as supervisor and the three younger men as utility workers. Having learnt the techniques of drill core handling, they were now introduced to core cutting. On 10 April he discussed with Ray Fordimail plans for the project team to meet the cost of the public address system for the upcoming Barunga festival, to assist with the development of Eva Valley station, and to hire another three Jawoyn workers for Coronation Hill. At the festival itself the new manager of the project, Bill Hewitt, presented a saddle to Sandy Barraway as a symbol of the continuity of Jawoyn involvement in the cattle industry and of the team's wish to help the new venture at Eva Valley. The message sent by Allen Linke to accompany that presentation reveals his conception of the team's good neighbour policy to be a seamless combination of corporate support and individual friendship:

Dear friends at Burunga [sic]

I am sorry my family and I are unable to attend and enjoy your Burunga

Festival. My wife and I had hoped to meet you again and introduce our children to you. However, I'm sure we will hear all about the fun you have up there from Bill, Foy, Peter, Allan and their families.

I am particularly disappointed to have missed out on the presentation of the BHP saddle to Sandy Barraway.

Sandy and I have discussed saddles many times and have even been to inspect and price them. I have asked Bill Hewitt the Manager of the Coronation Hill Project to present the saddle to Sandy on my and BHP's behalf.

The saddle is a gesture by BHP to the Jawoyn People of BHP's wish to help you in making Eva Valley a success. We know how hard Sandy, Dooley and Arnold are working to get the cattle station going again. The Jawoyn Association are continuing to make good progress with the station since buying it under Larry Ah Lin's direction.

It is eight months since I last visited the outstation and look forward to seeing your improvements and hearing of any further assistance we can give you when I next visit.

In presenting the saddle to Sandy I am reminded of your people's long association with the cattle industry and what good stockman [sic] you have produced. With your background and determination I am sure you will succeed with your plans and the Jawoyn Association can depend on BHP providing support.

I congratulate Robert, Raymond, Willie, Phyllis and Stephen on organising such a good festival.

Good Luck,

Allen Linke

Manager Gold Operations<sup>94</sup>

Through such gestures, Linke wanted to promote among the Jawoyn a feeling that their relationship with the project team was sufficient unto itself for managing whatever business arose between them, that mediators were an unnecessary

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<sup>94</sup> A.Linke, 14.4.87, Letter, BHP/Newcrest Correspondence and Reports.



violation of the interpersonal quality that had been nurtured within that relationship and that external agencies should therefore remain as external as possible.

Policy, however, was now pushing against those sentiments. Rush recognised that to satisfy the Government requirement for clearances with respect to Aboriginal concerns, the Joint Venture would have to reach a full 'terms and conditions' agreement with the Jawoyn, regardless of the progress of a land claim, and that that agreement would probably have to be reached through the NLC. Nevertheless, while the company began preparing preliminary heads of agreement, the project team continued to keep the NLC at a distance. On 21 April, Rush scribbled a check-list of outstanding matters and the steps required to advance each of them. He noted that an ethnographic survey would be necessary for the Environmental Impact Study, partly by way of assuring the government that all relevant Aborigines had been consulted, and he favoured contracting an independent authority such as the NT Museum to provide one, rather than the NLC. One week later, he recommended the appointment of an on-site project officer who would be responsible for maintaining close routine contact with all Jawoyn communities from Pine Creek to Eva Valley. Finally, Rush addressed the NLC's request that all company communications with the Jawoyn concerning Coronation Hill be directed through its offices. He replied:

The Coronation Hill Joint Venture is willing to deal with whoever the Jawoyn Association selects as its representative. However, because of the wide range of matters concerned and the already close and direct involvement of the Jawoyn community in the Project, we would like clarification from the Jawoyn Association itself as to its wishes. This is sought as we have been in contact with them for over a year now and have been advised on a number of occasions that they wish, on a number of matters, to have direct dealings with the Joint Venture.

Subject to Jawoyn Association confirmation, we would be prepared to involve the Northern Land Council in formal matters relating to the Project. However, there are a large number of day to day matters for which we need to continue to work directly with the Jawoyn community and in relation to these matters it would be impractical for us to communicate via your

office.<sup>95</sup>

In its first direct response to the developing NLC involvement in Coronation Hill, the project team thus refused to defer to the privileged relationship of legal advisor and client that the NLC now asserted with the Jawoyn Association, and countered with an insistence on the priority of its own contacts with the community.

At the end of May the project team prepared to proceed to the next stage of development approvals for final planning of the mine. During the last three days of May, Rush resumed direct discussions in the Katherine region, taking with him Jim Green, temporarily recruited from BHP's Groote Eylandt operation to act as the day-to-day liaison officer that Rush had recommended. Once again Rush recorded a satisfactory trip. All the people he approached welcomed the idea of a visit to the site in the following week, and a number of individuals raised expectations of what might flow from the company's involvement in the region, such as vehicles and royalties. Bennett and Fordimail, encountered on the road to Barunga, expressed disapproval of NLC interference, Bennett adding that its proper role was advisory and that it should not impede direct dealings between the Jawoyn and outsiders.<sup>96</sup> Rush encouraged him to make that view known to government, and also inquired whether the Jawoyn Association was incorporated, something that would facilitate direct agreements. The team proceeded to organise a large meeting of Jawoyn people attended by Sites Authority officers, at which further works on the project were explained and substantially approved (see chapter 4), in disregard of the NLC's attempt to establish a formal role for itself.

The next day, Hewitt appeared before the Senate Inquiry and described the three aspects of the project team's developing relationship with the Jawoyn: recruitment, training and employment; liaison and information; community aid. The number of

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<sup>95</sup> P.M.Rush, 30.4.87, Letter to The Director NLC, BHP/Newcrest Correspondence and Reports.

<sup>96</sup> P.M.Rush, 1.6.87, Note to File, Various Meetings, Aboriginal Affairs, Coronation Hill Project N.T., BHP/Newcrest Correspondence and Reports.



Aboriginal employees had been increased to eight,<sup>97</sup> and the project team intended to plan for as many future positions as possible to be filled by Aborigines. Liaison had been ongoing since his appointment in March, an effort intended to ensure full Jawoyn awareness of project activities and plans and to promote mutual understanding. Community aid had concentrated on assisting the Eva Valley cattle project (SSCNR 1987b: 2687-88). As indicated above, the BHP officers responsible for implementing these approaches encountered encouraging local feedback.

To that irregular network of people in Darwin who were concerned with Aboriginal or environmental issues, some of whom were employees or consultants for the NLC or associated with the NT Environment Centre, much of this looked like bribery. Even those who were less inclined to activism but professionally concerned to protect Aboriginal interests, such as the NLC lawyers Robert Blowes and Ian Gray, felt uncomfortable with the lack of an arm's-length relationship between BHP and the Jawoyn. NLC officers familiar with the area generally held the view that the project team's face-to-face dealings were constant and crude and amounted to humbugging, a matter on which they received Jawoyn complaints relayed to them through the NLC Katherine office. In fact the team's local liaison efforts, at least prior to the appointment of Jim Green, appear to have been intermittent. Even for the period of 'ongoing' contact since March reported by Hewitt, available records show a period of six weeks, from mid-April to the end of May, in which no contacts occurred. They probably became more regular after Green began work. Having been introduced to the region and its people the previous week, he now undertook to travel the circuit of Jawoyn camps for one week each month to maintain consistent contact.

At the same time BHP was turning its attention again to the external policy environment. The boundaries of Stage III of Kakadu National Park and of the

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<sup>97</sup> The project team's Fortnightly Site Report to 5.6.87 lists seven Jawoyn employees, with three



Conservation Zone were gazetted in June 1987, and the Federal Government's Conservation Zone Advisory Committee released guidelines for the allocation of mining tenements in the Zone. The project team's exploration work to this point had found promising indications of mineralisation at four localities in the upper South Alligator valley apart from Coronation Hill. As the host rocks were known to be widespread, BHP urged public recognition of the South Alligator valley as a significant mineral province (SSCNR 1987b: 2658-61). Before the continuing Senate Inquiry into the resources of Kakadu, the project team argued the case for giving the Coronation Hill Joint Venture 'the major role in exploring the Conservation Zone' (SSCNR 1987b: 2671). It pointed to the resources that the company had devoted to fostering relations with the Jawoyn and argued that those relations could be endangered and the project jeopardised if ill-informed or ill-intentioned interference by other companies caused confusion among custodians (SSCNR 1987b: 2667, 2671). The BHP submission refers also to the complementary danger that problems arising from the interference of other companies would:

result in the immediate involvement of other parties who could then play a major continuing role and interfere in both the Coronation Hill project and the Conservation Zone exploration. This would have an adverse impact on Coronation Hill development, cause major delays and arouse uninformed prejudices. (SSCNR 1987b: 2668)

This comment is most readily interpreted as an expression of apprehension at the involvement of the Northern Land Council in management of the Conservation Zone. It highlights the awareness of the company of the importance of its relationship with the Jawoyn for its broader interests and overall strategic position in the upper South Alligator mineral province. For the NLC, the policy environment was a cause of anxiety. Not only was the pastoral lessee of Gimbat resisting negotiations for resumption of the station, thereby delaying a land claim,

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new utility workers having started on 27 May.

but the environmental impact assessment process, which could lead to the issuing of mining titles, was to proceed independently of progress in changing the status of the land. The company might thereby achieve its aim of mining approval before the NLC was legally enabled to represent Aboriginal interests.

### **Challenge from the NLC**

Events up to mid-1987 thus left the NLC uncertain of its client's views regarding the management of the upper South Alligator valley, lacking confidence in the Sites Authority's handling of the central issue of development works at Coronation Hill, lacking also proper recognition from the mining company as its opposite in negotiations, and without legal standing to intervene in the mining approvals process. At that point, the basis of the NLC's participation in the affairs of the region was transformed by a raft of legislative amendments passed by the Federal Government.<sup>98</sup> The major effects of these amendments were, firstly, to declare Gimbat and Goodparla Stations to be unalienated Crown land and therefore available for land claim, and secondly, to empower Aboriginal Land Councils in the Northern Territory to negotiate mining agreements over land under claim, extending their existing power to negotiate only over land already won. The Land Councils were also given the additional function of assisting Aborigines to protect sacred sites, whether or not on Aboriginal land. In anticipation of these developments, the Jawoyn Association instructed the NLC to lodge a land claim over the area and to invite the company to enter negotiations for an agreement over exploration and mining. The NLC lodged the land claim on 26 June, and wrote to the company on 2 July.

The BHP project team recognised these new developments, but after considering entering preliminary general discussions with the NLC, replied instead that they



wished to delay negotiations until their project plans for Coronation Hill were more advanced, and Federal policy regarding mineral exploration in the wider region had become clearer. This refusal to engage with the NLC occurred as the project team was preparing to move to a new stage in the process of gaining Aboriginal approval for the project. Development approvals to date had covered test drillings to establish the dimensions of the mineral deposit and the suitability of the back valley for processing and waste facilities, and local road works. There had so far been no use of explosives, although it had been discussed and deferred at the consultations in June. Blasting had always been seen as a more serious interference with the site than any of the previous works, and David Cooper repeatedly drew a distinction between exploration and mining in his discussions of the approvals so far given, a distinction which turned largely on the use of explosives.

The project team and the Authority arranged a consultation for 18 August 1987 at which the use of small quantities of explosives at Coronation Hill would be demonstrated for the Jawoyn. About eighteen Jawoyn were in attendance, including the senior male custodians. The NLC seized the opportunity to radically assert its standing in the issue. Indeed, the blasting itself, which at least one observer anticipated would shock the Jawoyn, in the end caused less consternation than the NLC's intervention. Before the meeting began, two NLC officers arrived and handed to Allen Linke a letter drafted the previous day by their senior legal officer. It referred to the NLC's frustration over having 'our clients complain to us about direct approaches by your company',<sup>99</sup> reasserted the privileged nature of its relationship with the Jawoyn, and objected to the company's failure to advise of this meeting and the matters to be discussed. With Jawoyn consent, the group then moved to Coronation Hill to observe three successively larger detonations, culminating in a line of four half-sticks of gelignite on a hillside drilling bench.

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<sup>98</sup> Aboriginal Land Rights (Northern Territory) Amendment Acts (Nos 2 and 3), Lands Acquisition Amendment Act, Environment Protection (Alligator Rivers Region) Amendment Act, National Parks and Wildlife Conservation Amendment Act and Amendment Act (No 2), all of 1987.

<sup>99</sup> I.L.Gray, 17.8.87, Letter to BHP, Aboriginal Areas Protection Authority files.



Before the meeting re-assembled for discussion, an NLC officer privately explained to the Jawoyn that the NLC now had the legal power to negotiate a comprehensive agreement with BHP including exploration works and site protection, and suggested that they should withhold a decision about blasting until after the first of these discussions in a few days time. When, after retiring to consider the matter alone, the Jawoyn announced that their decision would be delayed until the NLC reported to them on the outcome of the proposed discussions, the tensions already evident at this meeting manifested themselves as a direct challenge by the NLC to the positions of both the project team and the Sacred Sites Authority.

The decision to delay had two implications for the management of the issue. It meant that the progress of the mining project was now contingent upon the project team's dealings with the NLC instead of upon its dealings with the Jawoyn. Realising this, Allen Linke responded initially with what one observer described as intense anger. He then attempted to reassert the priority of the project team's direct relationship with the Jawoyn, describing it as one of trust that should not be undermined by the imposition of outsiders. He tried to re-establish what he had previously understood to be a separation between the questions of blasting and of dealings with the NLC, arguing that any negotiations would be directed only towards a final terms-and-conditions agreement for mining and would not cover the exploration stages. Finally, he pronounced a caveat upon any negotiations at all, that they would only happen if the project team could be satisfied that the Jawoyn genuinely wished to be represented by the NLC.

Maintaining a separation between the immediate question of whether blasting at the scale demonstrated was an acceptable level of disturbance within the registered site, and the later question of the conditions under which a mining project might eventuate, was equally urgent for the Director of the Sites Authority. Ellis attempted to impress upon the Jawoyn the legal and functional distinction between what he needed to know — whether the custodians of the site would authorise further exploration works involving explosives — and the larger matter that the

NLC wanted to argue out — the material relationship that might finally emerge between the mining company and the prospective Aboriginal land owners. Ray Fordimail replied that the senior custodians of the site accepted blasting at the level demonstrated but no greater. An NLC officer again tried to dissolve that separation, explaining that the NLC could negotiate everything with the project team, and protect the site better than the Authority. When the tenor of the discussion then shifted to adverse reflections on the NLC's past record in local Jawoyn affairs, Ellis concluded the meeting by stating that he would issue a permit for works involving blasting, but would delay it until after the proposed initial discussions between the NLC and the project team.

There ensued over the following weeks a contest between the NLC and the Authority over the issuing of the authorisation to the company. The contest turned ultimately on yet another distinction, discussed earlier, that was fundamental to the legitimacy of the Authority's claim to an independent role in the issue. That is, whereas the NLC claimed to represent the interests of the Jawoyn people as a whole, the Authority was responsible only to the custodians of the sacred site. This distinction between the Jawoyn collectivity and the small group of senior custodians of Bula sites in Gimbat reflected both the contrasting statutory charters of the NLC and the Sacred Sites Authority, and recent land claim history. The entire Jawoyn language group as a unitary local descent group had been proposed as traditional owners in the claim over Katherine Gorge, to the south (chapter 2). In the mid-1980s then, the NLC approached the prospect of another land claim and mining negotiations over this more northerly portion of Jawoyn country under the constraint of that precedent already argued before the Land Commissioner. Indeed in the previous year the NLC had made clear its own view of where sovereignty in the matter properly lay, when it told the Senate Inquiry that mining development at Coronation Hill was a matter for the Jawoyn people as a whole to decide, and that any statement by a site custodian that denied the sacredness of the place should be put before a full Jawoyn meeting for verification.

In the wake of the consultation of 18 August 1987, this disagreement came to a head in a remarkable scuffle between the two organisations. The Authority Director began by attempting to re-institute a clear demarcation between their respective roles and responsibilities. He wrote a conciliatory letter to the NLC a few days after the meeting at Coronation Hill in which he offered to discuss a cooperative and coordinated approach to the representation of Aboriginal interests, but also made plain that the Authority could receive instructions only from the custodians of the site, not from the Jawoyn Association or from the NLC acting as the Association's representative. The NLC responded by having the three senior custodians of the site sign a letter instructing the Authority not to issue a permit for blasting pending the outcome of discussions, now postponed, between the NLC and the project team. This was an attempt to rescue the position the NLC had advocated at the blasting consultation, to make progress of development works dependent on progress towards an overall negotiated package. It furthermore again positioned the NLC as the channel through which custodians' instructions were communicated to the Authority. Ellis advised the NLC that he considered himself bound by the decision of the custodians at the time of the consultation that the blasting was acceptable, and proceeded to issue an authorisation to the project team.

The NLC considered that the Authority had failed to act in accordance with Jawoyn wishes. A meeting of the Jawoyn Association on 1 September was told that the NLC now had the same power as the Authority to protect sacred sites. NLC officers took the three senior custodians to one side and explained to them and had them sign another letter to the Chairman of the Authority, this time advising that the Jawoyn Association should henceforth be the source of the Authority's instructions. It said in part:

We want future permit applications to be directed to the Jawoyn Association. . . . The Jawoyn Association will be expressing our wishes in



decisions about permit applications. We would like you . . . to accept our instructions in this way from now on.<sup>100</sup>

In response the Authority at its next meeting formally noted 'the request of the Jawoyn custodians that future consultation be conducted with the assistance of the Jawoyn Association'.<sup>101</sup>

The Authority's legitimacy as a manager of the Coronation Hill issue rested then on its specific responsibility for approving works on a registered sacred site, and its obligation to seek instructions from the site custodians. In August and September 1987 the NLC sought to subvert the Authority's independence firstly by trying to subsume sacred site approvals within a general package to be negotiated over all development works at Coronation Hill, and then by trying to subsume the source of the Authority's instructions, the site custodians, within the source of its own instructions, the Jawoyn Association. This attempt to assert hegemonic representation of Aboriginal interests was based on a number of perceptions within the NLC: that proper protection of Aboriginal interests in the upper South Alligator valley required comprehensive negotiations over all aspects of BHP's activities, and that removing exploration from the purview of those negotiations constrained real Aboriginal options; that the Sites Authority was neither competent nor authorised to handle such negotiations; that the Authority's effectiveness was in any event subject to a political calculus that balanced the protection of Aboriginal interests against the need to demonstrate to its political masters that protection of those interests could be managed in a manner consistent with economic development of the Northern Territory. These perceptions informed what the NLC took to be a tactical imperative to neutralise the independent role of the Authority in the Coronation Hill project. For its part, the Authority maintained its concern, first expressed during the contradictory episodes of July 1986, that approvals for

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<sup>100</sup> P.Jatbula, S.Barraway, N.Brown, nd, Letter to M.Harvey, Aboriginal Areas Protection Authority files.

works on a registered site should be decided according to the views of the site custodians as bearers of the relevant tradition, and were not properly treated as a negotiating instrument.

During this period of postponements, the project team's liaison with Jawoyn custodians heightened its suspicion of NLC intentions and methods. On 27 August, nine days after the blasting demonstration but before the permit had issued, Leckie held discussions with significant individuals in the Katherine region and reported them still supportive of the project. The following evening, the project team received a fax copy of the letter to Ellis, signed by the three senior custodians and witnessed by an NLC field officer, instructing Ellis not to issue the blasting permit until after NLC meetings with custodians and the project team to be held the following week. The three signatories included two to whom Leckie had spoken the previous day. The next day, 29 August, Leckie and Hewitt again travelled to Pine Creek and Barunga and spoke to, among others, two of the signatory custodians, including the one Leckie had not earlier seen. Both these men, they reported, believed they had signed an approval for blasting. Ellis advised that he was not allowing the letter to overturn his understanding of the decision at the site consultation, and proceeded to issue the permit.

At the same time, the project team responded to Gray's insistence that all company dealings with the Jawoyn over Coronation Hill be conducted through the NLC. In a letter of 26 August, Linke proposed three lines of communication: firstly, regarding 'formal matters' which presumably meant agreement negotiations, 'we will deal with the Northern Land Council subject to confirmation that this is the wish of the Jawoyn people'; secondly, regarding day-to-day relations with the Jawoyn over matters such as employment, direct dealings with the community will be continued; thirdly, regarding sacred site matters, direct communication with the Authority and senior custodians will be continued. Elaborating the second point, Linke wrote:

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<sup>101</sup> Minutes of the 38th Meeting of the Aboriginal Sacred Sites Protection Authority held on the 14<sup>th</sup>



Over the past 18 months, we have, we believe, established a very good working relationship with the Jawoyn people based on trust and our respect for their desires. It is essential that this be maintained by us continuing to hold direct discussions with them on the progress of our activities and by taking all necessary members of their community on regular visits to the site.<sup>102</sup>

Linke's letter was a neat summary of the position the project team had reached in response to the political developments of 1987. It conditionally surrendered only the minimum necessary space to the NLC and preserved those direct contacts with the Jawoyn that it plainly saw as essential. In this it found some common ground with Ellis. In his letter to Gray of 21 August, a copy of which was faxed to Hewitt, Ellis said he had found the custodians to be 'unaware of any request to the Northern Land Council to conduct [site clearance] negotiations on their behalf'.<sup>103</sup>

The events of August 1987 thus confirmed the project team's suspicions concerning the intervention of external organisations, and caused it to perceive new links and dispositions in the political landscape. Its response was an intensification of the essential company strategy.

It would seem that there are underlying tensions between ASSPA and NLC. Possible relationships between [the Australian Conservation Foundation] and NLC staff have also become apparent . . .

It is concluded that CHJV staff will have to redouble their efforts in maintaining close contact with the Jawoyn community, in training Jawoyn employees, and in assisting Jawoyn community projects such as Eva Valley cattle station (post hole borer and some fencing wire was donated during August). A further visit by Jawoyns to Groote Eylandt is being planned for early October.<sup>104</sup>

For the project team, then, the legacy of these events was a sense that their relations with the Jawoyn were vulnerable to subversion by manipulative outside interests

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and 15<sup>th</sup> day of October, 1987.

<sup>102</sup> J.A.Linke, 26.8.87, Letter to The Director BNLC, Aboriginal Areas Protection Authority files.

<sup>103</sup> R.W.Ellis, 21.8.87, Letter to The Director BNLC, Aboriginal Areas Protection Authority files.



pursuing a covert environmentalist agenda, and that this subversion had to be actively countered.

### **The Conservation Zone**

While the NLC's intervention on 18 August had failed to achieve its immediate objectives, it had directly challenged the primacy of those relationships that had governed conduct of the Coronation Hill issue up to that point, and had served notice that a new player, strategically aggressive and with a much broader mandate to represent Aboriginal interests, was now in the field. Moreover, that field itself was now much larger than Coronation Hill. Prior to the July 1987 elections, the Federal Government had declared Stage III of Kakadu National Park over the area of Gimbat and Goodparla Stations, subject to about one-third being reserved as a 'Conservation Zone' in which mineral exploration would be allowed for five years. The Australian National Parks and Wildlife Service began preparations to take over management of the other two-thirds of the area. The boundaries of the Conservation Zone were drawn tentatively, to be refined later in the year, and the Coronation Hill Joint Venture was one of many mining interests expected to compete for exploration rights over the Zone. What was immediately clear, however, was that the southern half of the Zone intruded into the region of the Bula Dreaming, and included, or lay very close to, a number of powerful sites (Maps 2, 4).

Having established its prominence with respect to Coronation Hill, the NLC in September moved to engage comprehensively with the new complexities of policy in the region. The first requirement was to consolidate its relationship with the Jawoyn. In his report on the blasting consultations of 18 August, an NLC officer had noted the project team's success in building relationships with the Jawoyn, and advised that the NLC had now itself to carefully win their confidence. The first

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<sup>104</sup> na, nd, Aboriginal Affairs, BHP/Newcrest Correspondence and Reports.

step, he suggested, should be to consult with them again to confirm their instructions and clarify their relationship.

The NLC's meeting with the Jawoyn Association on 1 September ranged widely over the problems and possibilities facing the Aboriginal claimants of the area. As most of the Conservation Zone was not protected by sacred site registrations, and as Federal Government policy at that time appeared to be moving strongly towards allowing at least some exploitation of what was known to be a highly prospective mineral province, the NLC's program had to be concerned with advancing the Jawoyn position broadly within the emerging mix of competing interests. The NLC Director, John Ah Kit, pointed out that continued contradictions from the Jawoyn over the Coronation Hill project could ultimately be used against them, and assured them that the NLC would support whatever their final position turned out to be. Following the meeting, the NLC organised for consultations to begin between a group of senior Jawoyn and the Parks Service regarding a lease of Stage III to the Service for management as a national park should the land claim be successful. It also renewed communication with the BHP project team to arrange discussions towards a mining agreement.

Most importantly, however, the NLC, in concert with the Sites Authority and the Australian Conservation Foundation, lobbied the Federal Government to delay any decision on the final boundaries of the Conservation Zone and the allocation of mining tenements until a survey of cultural and natural resources, and the Authority's sacred site documentation program, were completed, and the Aboriginal claimants of the area were properly consulted. This renewed lobbying effort showed that the NLC and the Authority, even at the height of inter-agency tensions over their respective mandates with respect to Coronation Hill, were still able to act in concert to enhance recognition of Aboriginal interests in the Stage III area at senior policy level. Notably, senior opinion in both organisations regarded Aboriginal acceptance of mining at Coronation Hill as a possibility. At the meeting of 1 September, Ah Kit addressed the Jawoyn on the prospect of negotiating a deal

for them with BHP, should that be their wish. When he wrote to the Environment Minister the following day arguing for recognition of Aboriginal concerns in the Conservation Zone, he made no representations about Coronation Hill. At the same time, Ellis argued to that Minister that the so-far difficult but successful negotiations to allow exploration at Coronation Hill would be jeopardised if Aboriginal concerns were disregarded in decisions over the larger area. The NLC at this point acknowledged both the Authority's role in establishing the extent of Aboriginal interests in the Conservation Zone and their joint effort in lobbying government. However, the request for the Government to delay its decision set the stage for a further elevation of the NLC's strategic position in the region.

Five Federal Ministers, Prime Minister Hawke and the Ministers for Aboriginal Affairs, Environment, Primary Industry and Resources, with advisors, met on 24 September in Canberra to discuss Conservation Zone policy. Two environmentalists were there to press both conservationist and Aboriginal values, and a Bureau of Mineral Resources officer argued for mining. Shortly before, three of the Ministers had been sent copies of Cooper's Traditional Concerns report, discussed in the previous chapter, arguing that Aboriginal notions of sacredness and danger were so extensive as to make mining-related activity inappropriate over the entire southern half of the Conservation Zone, that is, the section considered most prospective and in which the Joint Venture's most important interests were located. The Minister for the Environment, Graham Richardson, had had previous exposure to Aboriginal disagreements over Coronation Hill, and the Minister for Aboriginal Affairs, Gerry Hand, was also aware that Aboriginal opinion had been unsettled.

The Ministers decided that final determination of the Conservation Zone boundaries would be delayed until there had been further consultation regarding Aboriginal concerns. In a policy debate that to this point had been dominated by environmentalists and miners and in which Aboriginal issues had been seen as a secondary complication, a high-level decision now turned on the Aboriginal



interest in the area. More significantly for the strategic disposition of the players, the Minister for Aboriginal Affairs charged the NLC with responsibility for determining Aboriginal views and removing confusion over the Jawoyn position. The NLC thereby became primary advisor to the Federal Government concerning Aboriginal interests in the Conservation Zone. The NLC took this as legitimation of its claim to sole running of the Aboriginal issues in the region. A Branch Managers meeting determined that both the Jawoyn and the Sites Authority were to be apprised of the NLC's position as representative of Jawoyn interests in the Kakadu Stage III area, and that the Jawoyn should provide the NLC with relevant instructions.

The project team continued to believe that its best defence in a changing political environment was to secure Jawoyn goodwill and engagement. Finding local opinion still supportive of the Coronation Hill project, the project team continued to enhance its good-neighbour relationship. In September, Leckie hired two more men from Barunga, fitted them with work clothes and safety boots and brought them back to El Sherana. The team arranged for all Aboriginal employees to attend a driver training course at the Northern Territory Open College, from which all obtained Provisional A Class licenses. During his visit of 14 October, Rush discussed with the headmistress of the Barunga school possible means by which the company might be able to assist the students.

### **The NLC position: from issue to dispute**

An event of more dramatic impact, however, occurred again over Coronation Hill. After some dilatory communications, the NLC and the project team agreed to meet on site on 5 November to inspect the project and begin substantive discussions towards a mining agreement. A small Jawoyn group were present to observe and later receive advice from the NLC. This meeting marked the high-water mark of the project team's campaign to achieve Aboriginal approval for the project. The following day, fifteen members of the newly convened Jawoyn Working Party

(established by the NLC to manage Katherine Gorge and Kakadu Stage III issues for the Jawoyn), including two of the senior custodians, met with ten NLC officers at Barunga and told the NLC that they did not want any mining in Sickness Country, including Coronation Hill. This instruction sparked significant criticism of the NLC decision to negotiate, including from within the organisation. The NLC advised BHP that it was withdrawing from the process until the Federal Government had arrived at a final decision concerning mining development in the area. In other words, the NLC would not further discuss development of the Coronation Hill project unless the Government decided that the project would proceed.

Unlike the Sites Authority, then, the NLC did not now recognise any separation between mining-related activity at Coronation Hill and elsewhere in the southern half of the Conservation Zone. As had happened previously, there remained the possibility that the Authority might independently authorise further works. The NLC was therefore explicit in again identifying the Aboriginal constituency to whose interests the Government should attend. In a letter to the Minister for the Environment, Ah Kit argued that the NLC's presentation of a position on behalf of the Jawoyn traditional owners should be preferred over any inconsistent statements made by the Authority on behalf of the site custodians. Ellis had long believed that the custodians' concerns over Coronation Hill did not amount to a total opposition to development and that the project could be negotiated if carefully presented for approval in incremental stages. By December 1987, however, he perceived a shift in the views of the senior custodians against mining. In February 1988, the Authority deferred to the larger processes in train and agreed not to issue any further development approvals to the project team until the NLC-Jawoyn submission to Government on the Conservation Zone was finalised.

1987 thus proved to be a deceptive year for the BHP project team. On the surface of things it appeared to be a period of steady progress at every level. Development approvals had extended to the use of explosives, and by November it had embarked

on the initial stages of negotiating a mining agreement with Aboriginal interests, and was able to mount strong arguments for favoured treatment in the allocation of exploration rights in the Conservation Zone. At the same time, however, its fortunes were being undermined by the major transformation of that year, in the role of the NLC. From its early position as occasional advisor, the NLC had succeeded, through a combination of enabling legal change and evolving political strategy, in inserting itself as the project team's opposite in negotiations, and had been recognised by the Federal Government as its chief source of policy advice regarding Aboriginal interests in the area.

Pursuant to its new expanded brief, the NLC set about the task of ascertaining the extent and nature of Jawoyn concerns in the area, and of formulating political submissions to advance those interests. The first advice sent by the NLC Director to the Minister for Aboriginal Affairs cited the anti-mining instructions received on 6 November and put the position of the traditional owners in terms that were a summary of Cooper's Traditional Concerns report, seeking revocation of the Conservation Zone southeast of UDP Falls, or the entire Gimbat section. This may have been a hasty response. Subsequent communications in January and February 1988 to the Ministers for Aboriginal Affairs and the Environment were submissions for delay in finalising Conservation Zone policy, now treating the issue as unsettled and in need of further consideration by the traditional owners. This renewed caution arose from the first of two reports that the NLC received in the first half of 1988.

The NLC generally relied on periodic community meetings for ascertaining its instructions, and local field officers would also report back on their contacts with local people on any matters. The kind of research undertaken for these two reports was aimed at supplementing such procedures in order to underwrite the NLC's understanding of its instructions with the digested findings of more thorough inquiry. In December 1987 and January 1988, two consultants, Francesca Merlan and Paul Josif, undertook a survey of Jawoyn awareness and opinions with respect



to the intertwined issues awaiting resolution over Stage III of Kakadu: the land claim, finalisation of the boundaries of the Conservation Zone, mining at Coronation Hill or elsewhere, and National Park management of the area. In their report, they took pains to distinguish a number of schools of opinion within the Jawoyn on the matter of Coronation Hill, relating them to the likely constitution of the traditional owner group for the forthcoming land claim. Within the claimant group as narrowly defined and consisting of a few clans, a sub-set of people, including the identified senior custodians, understood the issues and viewed mining with unequivocal opposition, they reported, while the remainder of this primary traditional owner group had had little participation in the issue and had no clear opinions. Among the wider Jawoyn language group, another small number, mostly the families of the Coronation Hill Aboriginal workers, supported mining, but the majority occupied an uncommitted or indifferent middle ground. The consultants found further that the question, or even the existence, of the Conservation Zone boundaries was little understood and proposed that a major field expedition in the early dry season intended to advance land claim research could also be used to define a more precise Jawoyn position on that boundary issue (Josif & Merlan nd: 4-6, 12, 24).

The Ministers accepted the request for delay even as further consultancy research was being pursued by Josif. He continued to canvass Jawoyn opinion widely and submitted his report in June. The Josif report did two things. Its substantive content widened the terms of the anti-mining position. Josif (1988) took as his starting point a state of essential conflict between Jawoyn cultural values and development plans for Coronation Hill. He cited increasing awareness of the issue in the months since his report with Merlan, and concluded that opposition to mining was spreading amongst the Jawoyn. While the religious grounds of this opposition were as presented by Cooper, Josif went to greater pains to argue that the development work that had occurred to date was by itself responsible for major social stresses within the Jawoyn community. He cited anxiety-related behavioural problems and said that instances of illness and death among local people were being attributed to

improper interference with country. He claimed that Jawoyn authority structures were under threat from internal dissension over the project's employment of young men, and community standing was at stake in the eyes of surrounding language groups concerned to see responsibilities carried out towards important places. Mining threatened loss of access to country, control over knowledge and security of sites. In short, the prospect that mining would be allowed to violate the religious preserve of Sickness Country had by itself amounted to an assault on the general social well-being and cultural integrity of the Jawoyn people. At stake, then, was not only the personal investment of the old men in protecting regional landscape sensitivities, but fundamental matters of community survival.

Following from this, the report was also important in a strategic sense. In his judgment on the Jawoyn (Katherine Area) Land Claim in late 1987, Justice Kearney had accepted the Jawoyn language group as the local descent group satisfying the requirements of traditional ownership for some southern areas of Jawoyn country (ALC 1988: 23, 30, 34-37). In their report in January, Josif and Merlan (nd: 21) had proposed that a land claim for the Gimbat area could be argued on alternative broad and narrow models of the local descent group, either as the undivided language group or as a set of particular clans. The Josif report, unlike that earlier report and also unlike Cooper's, made no mention of clan attachments to the Bula sites, but spoke unilaterally of the Jawoyn as the responsible group, differentiated internally only between knowledgeable senior men and others. For the NLC, to proceed on this basis with respect to the issues of the Conservation Zone and Coronation Hill would mean that there was only a small minority difference between the broad definition of its client traditional owner group for the land claim, the Jawoyn language group, and the source of its anti-mining instructions with respect to the future of Stage III.

It had taken from September 1987 to June 1988 for the NLC position to be settled, and it was drawn from three sources. Cooper's Traditional Concerns report set out the full extent and intensity of what it was in the Stage III landscape that attracted



Aboriginal concern. The instructions received from the meeting of 6 November declared that Coronation Hill was not separable from the range of those concerns. Lastly, the Josif report said that all this was of concern not just for those Jawoyn who had been caught up in the varied consultations to date, most often the senior custodians and secular leaders, but in almost every Jawoyn camp. This was the position that the NLC passed to the Federal Government and publicly campaigned on for the next three years.

## **Conclusion**

As this discussion of events shows, it took over two years, from September 1985 to early 1988, for the Coronation Hill issue to become a dispute. The Authority approval that was forwarded to the BHP project team on 27 August 1987 was the last to be granted. Development work at Coronation Hill was able to proceed for several months on the basis of existing approvals, but came to an end in July 1988. Thus, the events of 1987 established the conditions for the eventual defeat of the mining company. That defeat came, in the end, at the volition of Prime Minister Bob Hawke acting from a minority position in Cabinet. But the propositions that he accepted as truthful concerning the religious values of Coronation Hill were those that had been taken on board, promoted and circulated by external agents that took them to be the legitimate convictions of the Jawoyn people. By reason of the enhanced standing it had achieved over the course of that year, the NLC was the most important of these agents. Its opposition to the mine solidified early in 1988, on the basis of instructions that indicated that differences on the ground were non-negotiable, and survey evidence showing opposition to development to be widespread throughout its client group as broadly defined. From that time it supported and advanced a case both against mining and in favour of Aboriginal ownership and National Park management of the Conservation Zone.

Significantly, however, the NLC operated throughout from a position of weakness relative to that which it usually occupied in mining issues under the Land Rights



Act, as the representative of traditional owners of freehold Aboriginal land. As early as 1986, NLC legal officers had pointed out the strategic importance of finalising a land claim and thereby fixing an Aboriginal legal interest over the area before decisions about mining were made. As Federal policy processes with respect to the Conservation Zone advanced, the NLC argued that Aboriginal concerns could best be met if the land were simply transferred to Jawoyn ownership without a drawn-out claims process. When the Resource Assessment Commission Inquiry was instituted in 1990 to advise the Government on the issue, the NLC again made representations to have the Inquiry empowered to hear a land claim over the entire Stage III area. This argument drew on the precedent of the Ranger Uranium Environmental Inquiry in the mid-1970s, which had guaranteed that due regard be paid to Aboriginal interests in Kakadu Stage I by hearing and granting the land claim first, before establishing the National Park or allowing mining to proceed. The NLC was unsuccessful in pressing the same approach to Coronation Hill and the Conservation Zone. Throughout the Coronation Hill dispute, Gimbat was not, in a legal sense, Aboriginal land, and the NLC perforce intervened in the affairs of the area more as an act of political volition to assert an Aboriginal stake, than as an act of administration of an existing legal right.

## **CHAPTER 9**

### **DISPUTE AND THEATRICALITY**

By early 1988, the NLC and Cooper believed the era of inconsistency had ended and their anti-mining instructions were clear. Similarly, Keen and Merlan (1990: 75-77, 80-82) considered that this period marked a return by the custodians to their original and genuine convictions as to the inviolability of Sickness Country and the urgency of excluding mining-related activity from it, following a period of vacillation and uncertainty. In this chapter I show that in fact, while the tenor of relations between the NLC and the project team had moved from issue management to political dispute, nothing had changed among the custodians. My purpose here is to document the continuing theatricality that characterised the relationship between senior Jawoyn and each of the three principal external agencies.

#### **Theatricality and NLC instructions**

At a meeting at Barunga on 6 November 1987, a small Jawoyn group instructed the NLC that it opposed mining at Coronation Hill. There are no videos or transcripts of the proceedings, only one set of meeting notes, but available information offers some indications as to the character of this consultation event as a theatre. Unlike most development consultations, it occurred away from the project site and no members of the project team were present. It was attended by ten NLC officers and fifteen Jawoyn, of whom four of the former and six of the latter were members of the recently appointed Jawoyn Working Party. The Party was established to deal with matters arising from the successful land claim over Katherine Gorge National Park, but soon took carriage of a range of local issues including Coronation Hill and the Conservation Zone.

It seems, however, that the large NLC presence, including the Chairman and Director, was not a scenic element likely to contain the Jawoyn act of opposing mining. Several points tend to this interpretation. In the months before the meeting, dominant opinion within the NLC had been that the Coronation Hill mine would proceed. This was based on indications that the mining industry's promotion of a multiple land-use paradigm was receiving a sympathetic hearing from important Federal ministers and senior bureaucrats, and that Kakadu was an immediate focus for its implementation. NLC officers assessed that the political momentum in favour of recognising both the mineral and conservation values of Stage III was strong, and that the NLC had to attend to protecting Aboriginal interests within that emerging land-use regime. Moreover, pursuant to instructions received from a Jawoyn meeting in June, ten NLC officers had attended an on-site briefing on the project the day before the Barunga meeting, followed by informal preliminary discussions with the project team towards a mining agreement. Critics of the NLC decision to open these discussions accused senior officers of having transmitted their 'fatalism' about Coronation Hill to the Jawoyn, and indeed, notes of the Barunga meeting of 6 November include several references to the probability that the mine would proceed.

It is thus unlikely that the behaviour of this NLC group at Barunga established a scene that implied a reading by the Jawoyn from the script of religious power and danger. Indeed, documentation regarding the arrangements for the meeting indicate that the NLC did not expect Coronation Hill itself to be discussed, but only the still unsettled question of Conservation Zone boundaries and some other matters. It appears, rather, that the anti-mining instructions received there took senior officers by surprise and caused an internal reassessment of NLC strategy, the first manifestations of which were letters from Ah Kit to the Minister for Aboriginal Affairs reporting that the traditional owners were opposed to exploration or mining, and from Ah Kit to Rush suspending further discussions of the project.

Available details of what transpired at the meeting of 6 November draw attention



instead to the role of Darren Bennett. In chapter 4, I presented an analysis of the meeting of 4 July 1986 that identified Bennett's introductory statements and subsequent remarks as the critical scenic element containing that meeting's act of endorsing anti-mining resolutions. Unlike that theatre, here we have no video or transcript to show us what people said and did, but meeting notes suggest at least an equivalently scene-setting performance. Among those present, Bennett alone is mentioned by name and he is said to be representing the group in transmitting its wishes to the NLC: that the entire area affected by Bula had to be protected from mining, that Jatbula and Barraway did not want a big hole in Coronation Hill, and that the area should be transferred to Aboriginal ownership without a claims process. If any other Jawoyn did in fact contribute to the discussion, it seems their contribution was in accord with this.

While this interpretation of the theatre in train here can only refer to such incomplete appearances as the data affords, it can be supported with some historical review. I have already pointed to a precedent in Bennett's performance on 4 July 1986, but the parallel there is more substantial. As discussed in chapter 4, Bennett had attended the first half of the meeting of 1 July, was surprised and unhappy when later advised of the pro-development decision reached, and called for NLC assistance at the subsequent meeting where he opened the way for the reversal of that decision. At an Authority meeting one week later, Bennett rationalised his position as a means of delaying development of Coronation Hill until a land claim gave the Jawoyn negotiating rights. Similarly here in November 1987, Bennett had been part of a small but important group of Jawoyn, including Fordimail, Jatbula and Barraway, that was present on the 5<sup>th</sup> to observe the day's discussions between the NLC and the project team at Coronation Hill and El Sherana, so he was aware of how far the project team had come to realising a mine on land that the Jawoyn still did not own. The next day, he again sought to reverse that trajectory by framing the consultation event of 6 November as a theatre appropriate for a reading from the script of religious power and danger by the two senior men among the fifteen people present. As I have indicated, it is possible that not only the scene-

setting, but the act of reading itself was left to him.

If the appearance of such a parallelism after the passage of sixteen months and many intervening events seems too slight, it should also be noted that following the meetings of July 1986 Bennett withdrew from Jawoyn Association affairs for eleven months to attend to other business, and attended neither committee meetings nor development consultations concerning Coronation Hill. He thus had no role in the series of theatres that allowed development to proceed regardless of stasis in Jawoyn legal standing. He then attended the meeting of June 1987 that instructed the NLC to lodge the land claim and invite BHP to enter negotiations. He had throughout this period cooperated with the project team in their liaison and good neighbour efforts. While, in common with all other local actors, he had limited influence on the larger processes in play, the totality of his interventions seem consistent with a desire to open all necessary doors leading, most importantly, to Jawoyn land ownership, and to a mining agreement negotiated from that position of strength in the upper South Alligator valley. Indeed, Linke refers to 'continuing suggestions' (nd: 65) made by Bennett to the project team that the Joint Venture and the Jawoyn approach the Federal Government to propose a mutual accommodation under which the land be transferred to Jawoyn ownership without a claims process, and mining title be issued for Coronation Hill. In this view, his framing of the consultation events of 4 July 1986 and 6 November 1987 as theatres appropriate for a reading from the script of religious power and danger was motivated by a perception that progress towards those two goals was uncoordinated, and that the NLC advisors present should be instructed to advance land ownership and retard the progress of development.

A few days after the Barunga meeting, Rush phoned Bennett to discuss its outcome. Bennett reported that the custodians had, with some unease, approved negotiations over Coronation Hill because it was located on leases that pre-existed any Aboriginal legal interest, but were less likely to approve development elsewhere in the Conservation Zone. The project team thus was given the

impression that the Jawoyn were prepared to treat Coronation Hill as a separate case, while the NLC understood its instructions from that meeting to be that the Jawoyn regarded Coronation Hill as part of Sickness Country, to be negotiated only if the government insisted it be treated separately.

### **Theatricality continued: the project team**

The Northern Land Council now regarded the Jawoyn Working Party as the appropriate channel through which all approaches regarding land and development issues should be made. The Party was created under the aegis of the privileged relationship that the NLC claimed with its Jawoyn clients, and was the instrument by which the NLC hoped to contain the problem of multiple lines of communication and liaison. But while the NLC had succeeded in having development consultations suspended, thereby closing down the alternative source of authoritative instructions available to the Authority, it could not monopolise the creation of theatres. Later in 1988, when the Joint Venture sought to expand its activities and presented its El Sherana Exploration Programme (Kinhill nd) for public comment, the NLC commented in relation to the section dealing with Aboriginal heritage:

In regard to the other Jawoyn persons apart from the eight workers that CHJV may have held discussions with, it is pertinent to note the repeated complaints by Jawoyn as to the methods of CHJV consultation. In addition to collecting inappropriate groups and talking to younger persons, the situation has often been that persons consulted are not fully cognizant of the issues or eventualities of those discussions.

The Primary representative body for Jawoyn is the Jawoyn Working Party whose responsibilities are to deal with all land and exploration/mining matters currently affecting Jawoyn. (NLC nd: 4)

As the political dispute over Coronation Hill intensified, the Jawoyn Working Party provided a regular means of advice and coordination between the NLC and a senior cohort of Jawoyn decision-makers. Public statements from the NLC and



communications signed by Bennett or Fordimail for the Jawoyn Association or the Working Party repeatedly represented the Jawoyn collectively as the group responsible for the Conservation Zone area in Gimbat. The Josif Report of June 1988 finalised the terms of their argument against development: that it was the Jawoyn community that bore the stress and social detriment attendant upon any inappropriate interference with Sickness Country.

Against its own background experience of routine cooperative engagement with the Jawoyn, the project team looked with suspicion and disbelief at statements to contrary effect represented as the Jawoyn position by the NLC, the Authority, or this new body. Since mid-1986, such points of dispute had concerned consents for development at Coronation Hill and matters of sacredness there and elsewhere in the Conservation Zone (see chapter 7). On each of these occasions, the project team had been able to refer back to its own record of interactions with significant individuals to substantiate its own perceptions, and in some cases to put contrary claims to such individuals for comment. In August and September 1987, the team found that the letter sent to the Authority instructing it to delay authorisation for blasting, and the Traditional Concerns report, were not understood by the Jawoyn people said to have signed or been consulted about them. Most recently, following the instructions given at the Jawoyn meeting of 6 November, the NLC Director, John Ah Kit, advised the project team that the Jawoyn wished to defer further negotiations over Coronation Hill until the Federal Government had decided final Conservation Zone policy. Peter Rush, who had already received contrary advice about that meeting from Bennett, pointed out that current policy regarded the two matters as separate and there was no need for the former to depend on the latter.

Arising from both the initial promising meeting we had on site on the 5<sup>th</sup> November and the views of the Jawoyn's as given to us previously, was the understanding that an agreement was of benefit to all parties and that discussions should continue.

We are perplexed as to why the situation has apparently altered in such a

short time.<sup>105</sup>

Just as officers of the Authority and the NLC expressed misgivings about cultural insensitivity and pressure exerted by the project team, so team officers, mystified by such developments as this, thought in terms of pressure being exerted upon the custodians or even outright fabrication of their statements. This they rationalised as arising either under the influence of conservationists or because such manipulation suited the interests of the NLC, which the team, especially Linke, perceived as unpopular with its Aboriginal constituency and not above the use of standover tactics.

From pre-existing attitudes of mutual reserve exacerbated by a common tendency to interpret Jawoyn contradictions as signs of manipulation, overt hostility emerged in 1988. By the end of the previous year, development consultations and agreement negotiations had been suspended, so the management processes that had at least sustained a level of practical communication between the organisations were absent. The changes that occurred in the early months of 1988 in the NLC's understanding of its instructions and its consequent disposition towards the company meant that the project team's entire relationship with the Jawoyn now came under challenge, this time in more absolute terms than it had during the early stages of its liaison program. As the year progressed, aggravation and suspicion further intensified, especially around the issue of employment. While there is no room here to detail all the arenas of conflict, it is important to show how the certainties that the NLC settled upon through the means discussed above and in the previous chapter, were balanced by equivalent and opposite certainties within the project team.

The solicitous attitude that all participants in this issue had taken towards the custodians is illustrated by the fact that at no time since contradictory testimony

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<sup>105</sup> P.M.Rush, 2.12.87, Letter to J.Ah Kit, Aboriginal Areas Protection Authority files.



had begun emerging had any of the senior Jawoyn been confronted with evidence of their own or another's contradictions and asked to explain. Senator Zacharov had raised the problem at the Barunga hearing of the Senate Committee in March 1987, but had not pushed the question past Ray Fordimail to require a response from any of the seniors. There were a few other occasions on which the problem of inconsistencies had been raised in the presence of custodians, but as a complication that had implications for management of the issue rather than as a substantive question calling for resolution. The production of another video by the Sites Authority was taken by the project team as occasion to refer the problem of contradictions, if not directly to the senior custodians, at least to a Jawoyn audience.

*Bulajang*, meaning Bula Dreaming, was the second video produced by the Authority for the purpose of representing Jawoyn concerns over matters of sacredness to policy-makers and the interested public. Following *Shake Im This Country* in 1986, *Bulajang* presented Sickness Country as 'an entire region which is sensitive' (ASSPA 1988), and argued against any mining being allowed there and for the cancellation of that section of the Conservation Zone inside the former Gimbat Station. Edited by Cooper, it put substantially the same case as had his Traditional Concerns report, enhanced here by appearances by the three senior custodians, Brown, Jatbula and Barraway. It varied from that report, however, in not discussing the approvals that the Jawoyn had given for development works at Coronation Hill, but rather representing them as being in a unilateral state of 'conflict with the powerful interests of the mining industry'. This was indicative of the transition of Coronation Hill from an issue into a dispute that had taken place in late 1987 and early 1988.

When the project team acquired a copy of *Bulajang*, Linke took advantage of the presence at El Sherana of some visiting Jawoyn to put the matter to them. This was the team's first chance to test the veracity of the Cooper model of sacredness, but it also specifically broached the problem of contradictions from one custodian. The



staff organised a screening of the video one morning in the camp television room which was attended by three of the visiting group and three trainees. A 'very frank discussion' (Linke nd: 54) followed in which various people came and went.

This was the first time that any of the Coronation Hill Joint Venture staff had sat down with any Jawoyn to openly discuss how claims such as these, made on behalf of the Jawoyn by the Authority and the NLC, in reports, videos and letters sent to the Government, contradicted the statements made to us by the Jawoyn custodians and other Jawoyn, and the approvals they and the Authority had given us to carry-out exploration activities at Coronation Hill and El Sherana.

In the ongoing discussion of the "Bulajang" video which showed Nipper Brown stating that Coronation Hill was a sacred site and that this part of the South Alligator Valley was all "sickness country", I pointed out how this was very different to what Nipper had said to Foy [Leckie], the Jawoyn employees and myself on numerous occasions, as well as when he gave evidence to the Senate Hearing.

Phyllis [Wiynjorrotj] said many times during the discussion that Nipper was not speaking true, and that what Nipper said on the video was different to what she knew. She added very strongly a number of times that she knew about her country and knew what was true – that there was only one very important sacred site, a Bula place, and that it was not at Coronation Hill, and that the Bula site was further up the valley, near Sleisbeck, and that there was "nothing all around". Willy Byers only agreed when questioned that what Nipper says on the video is not true, whereas Phyllis made strong comments which were voluntary. When asked, all the Jawoyn agreed that the "sickness country" was not a true story.

Foy and I then raised with the Jawoyn what we white people should do about this video which showed Nipper making these contradictory claims. I stressed that I did not want to make trouble for Nipper or see him pushed anymore.

When I questioned why Nipper would say that the Bula country was everywhere and Coronation Hill was a Bula site, when Nipper and the other Jawoyn had told me the opposite, our employees Mick Moreen and Larry Ah Lin said that the NLC pressured their people and gave them grog. The other young Jawoyn men agreed that this sort of thing happened and that Nipper may have been pressured this way since they knew of it being done to the old men before. Foy Leckie, Jim Green and I said that this was dangerous ground, and we did not want to get involved in it. Phyllis did not speak about this subject at all.

I concluded saying that the Joint Venture staff would try to fight directly with our opponents like David Cooper and the NLC and avoid putting the Jawoyn into the conflict situations, particularly Nipper. (Linke nd: 54-55)

Given the location, the identity of the organisers and interlocutors and the tenor of their questions, this was plainly a theatre appropriate for a reading from the script of jobs and royalties. Perhaps in Wiynjorrotj's performance, given Linke's emphasis here on her comments being voluntary and his further reference to 'Phyllis strongly stating that nobody can make her say things against her will' (Linke nd: 54), one might see her operating within the act-agent ratio, like Jatbula elsewhere, rather than the scene-act ratio that contained the other Jawoyn present. Yet she was capable of equally voluntary and emphatic performances to the opposite effect in other theatres, as documented at the beginning of chapter 3. The significance of this theatre and others like it, however, is precisely that they provided external agencies like the project team with an escape from the theatricality that perplexed them by generating further theatricality. In so doing, in the respective understandings of each such agency they displaced the source of its troubles away from the Jawoyn custodians and onto its organisational opponents. Thus it began to appear, as indeed some Jawoyn insisted around this time, that this was not an Aboriginal dispute, but one between whitefellas and for the government to sort out.

Two further occasions are documented in that year on which the project team was able to test Cooper's Sickness Country model directly with senior custodians. According to an account provided by Allen Linke to the Aboriginal Land Commissioner during the Jawoyn (Gimbat Area) Land Claim, in September 1988 Sandy Barraway was among a Jawoyn group visiting the upper South Alligator valley and suggested to Linke a helicopter flight that would allow him to show the location of Bula. Barraway nominated four people, Linke and three Jawoyn, to come. He first directed the helicopter to land near a site located above Koolpin Creek, guided the group to a large gallery and indicated the point nearby where Bula had entered the ground. He emphasised that no exploration activity should

occur there, to which Linke replied that the project team's interests came nowhere near, and would remain at a distance. Barraway then directed the helicopter along the northern Gimbat escarpment and identified another site from the air. The helicopter returned to the river and flew upstream to Big Sunday, where Barraway pointed out an important feature, expressing anxiety that the helicopter keep some distance above the ground to avoid any disturbance. He then directed the flight across the Gimbat valley to the Sleisbeck site. After landing again, the group proceeded to the site centre and looked around a cluster of galleries.

Ostensibly this remarkable exercise was instigated by Barraway for the purpose of presenting Linke with a series of extra-theatrical readings from the script of religious power and danger. Not only did he express concern that the Koolpin site not be disturbed by exploration and that the Big Sunday site not be disturbed even by walking, but Linke also noted his agitation at sighting a group of campers too close to the Koolpin site and a CSIRO camp too close to the Sleisbeck site. Barraway tried to demonstrate the seriousness of his concerns by showing these locations of power, and upon the return of the group to El Sherana he recounted what had been shown to other project team employees. Linke restated Barraway's claims, and all agreed to observe the restrictions requested. Barraway then asked Linke to repeat the trip himself with Jim Green and three other Jawoyn, so that they would know.

However, while Barraway's performance of his custodianship was intended to make the team employees aware of the nature of the region in which they were operating, by demarcating a number of no-go areas he left the rest of the country free. Barraway said there was nothing of concern at Coronation Hill, and responded to Linke's inquiries around Cooper's notion of Sickness Country in a manner that removed large stretches of country from the scope of religious power and danger.

I asked whether there was some way that the sites were linked, or whether there was an area surrounding each of them that formed the Sickness Country idea. Sandy Barraway emphatically said that each place was



separate, meaning an isolated centre of concern, not the total area covering these sites — nor was there any connection between them underground. He said Cooper did not know about the country's stories. (Linke nd: 63)

In chapter 5, I discussed another instance of a senior custodian who chose to gratuitously reveal and discuss cultural knowledge, when the final decision against mining was announced. Merlan understood Brown in that instance to be enthused by the success of the custodians in sustaining their claims to the legitimacy of the Bula tradition in the eyes of European political authority. Linke's understanding of Barraway's motivation was the same, this time operating within the terms of the opposite script. The day before Barraway suggested the helicopter trip, Senator Peter Cook, Minister for Resources, visited the project site. According to Linke, he held private discussions with the Jawoyn employees and some senior Jawoyn visitors, including Barraway, after which Barraway offered to show him the Christmas Creek art site. They flew there, and were joined later by Linke, who described the visit as 'very cordial and relaxed' (nd: 60). The following evening, Barraway

said he would like to take me and others to see the "Bula site". . . . He was in a very relaxed mood and talked of how pleased he had been in the interest Cook had shown in the Aboriginal concerns. (Linke nd: 60-61)

I have spoken of Barraway's helicopter performance as being extra-theatrical, and remain undecided as to whether it would be more appropriate to consider it a theatre of Barraway's own making. In any event, not long afterwards another consultation event occurred that was a theatre in the terms I have used, and in which Cooper's Sickness Country model was tested for the third time. In November 1988, Foy Leckie sat with Nipper Brown, Jerry Dempsey and Larry Ah Lin in front of a video camera at three locations in the upper South Alligator valley to ask again about places that were important to Aboriginal people. Brown, as one of the three senior custodians with respect to Coronation Hill, was the main object of Leckie's questions. The main part of the video was filmed at a crossing of the

South Alligator River near Koolpin Creek, about ten kilometres downstream from Coronation Hill. As Leckie mentioned a number of locations, Brown identified two as art sites which women should not visit, and one as an important Bula place. When Leckie asked about Sickness Country, Brown associated the notion of Sickness with three locations, the Sleisbeck site, Big Sunday and a location on the upper Katherine River where Peter Jatbula was born, and denied that there was any Sickness Country around their present location or further downstream. Compared to his characteristically lethargic responses on most of the tape, Brown became somewhat animated when Leckie mentioned Coronation Hill.

- Leckie: Well Nipper, what about that Coronation Hill, where we've got that work that we've done. You know that one?
- Brown: Yeah, I know, but that one, you can keep going. Nothing there, no Sickness.
- Leckie: True, ay?
- Brown: Yeah, I savvy. Not that. Don't believe 'em. Jatbula, Barraway, nothing. They been talk them Sickness Country. Nothing.
- Leckie: True, ay? So you haven't got any worries there Nipper?
- Brown: No, I don't worry. [unclear] That mine, you can work. [unclear]
- Leckie: What if we want to dig him, dig him, you know, dig a big hole there? Is that all right?
- Brown: Yeah, you can dig him, that one. Nothing there.
- Leckie: Nothing there, ay?
- Brown: Nothing, no. [unclear] But, you wanna dig 'im might be, well. It's all right, nothing there.
- Leckie: We want to get that gold there.

Brown: Yeah.<sup>106</sup>

Jerry Dempsey concurred with Brown's statements. At the second filming point in the old pit at Coronation Hill, Brown confirmed that he had no problems with anything there. Finally in the El Sherana camp office, Leckie used the scale model of Coronation Hill to show visually what the 'big hole' would look like after the completion of mining. Brown said 'good'; Dempsey said 'better'.

### **Theatricality continued: the Sites Authority**

In October 1988 the Sites Authority received a copy of a proposal prepared in July by the project team for a program of blasting, removal and sampling of material from existing benches on Coronation Hill. It appears that this was referred to the Authority not by the project team but pursuant to the inter-agency administrative processes established to manage the Conservation Zone, and that the team itself regarded the new work as simply more of what had already been done pursuant to the approval for blasting they had received in August 1987. Ellis sought to defer consultation on the matter until the following year on the grounds that the level of political dissension over various aspects of the Coronation Hill issue was at that time too high to allow sober consideration to take place. By December the project team were becoming impatient.

We would like to record our deep concern regarding your advice, especially your planned time frame. Although, as you pointed out, we would hope for a "yes" vote from the Jawoyn community, our proposal is a continuation of the previous bench widening, and we would expect Jawoyn agreement to be a formality.<sup>107</sup>

Ellis replied that the scale and nature of the new work did require fresh approval, so a meeting was ultimately arranged for 28 February at the Katherine Low Level

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<sup>106</sup> B.H.P. Interviews, 8.11.88, Supervision Productions, video.

<sup>107</sup> J.F. Leckie, 8.12.88, Letter to R. Ellis, Aboriginal Areas Protection Authority files.



Reserve. When he also suggested that the meeting might not provide a final decision, the project team replied in terms that revealed again their confidence in the effectiveness of past consultations and the validity of approvals arising therefrom, and, unlike the Sites Authority (see chapter 7), their reliance on notions of precedent and consistency from one consultation event to the next.

We are led to believe from recent discussions with Ray Fordimail . . . that this meeting will resolve the bench widening proposal. We certainly do not see the meeting as an information session as we have had extensive discussions and on site briefings, and a blasting demonstration prior to last year's work. Many Jawoyn and most of the Working Party were present at those meetings.<sup>108</sup>

According to the project team's record, the meeting was attended by three members of the team and eight of its Jawoyn employees, nearly thirty other Jawoyn including the three senior men, Ellis and Cooper from the Authority and an NLC observer, Chips Mackinolty. Among the Jawoyn employees was Andy Andrews, who was employed in the project team's newly opened Katherine office and later emerged as a public advocate for the mine. Ellis introduced the matter as usual and a project team geologist followed, using an enlarged photograph to explain the drilling, sampling and blasting involved, and reminding those present of the blasting demonstration that some had witnessed in 1987. Ellis asked some questions, then invited questions from the Jawoyn. Barraway said he had repeatedly rejected development at many meetings and the work should not be allowed. The Jawoyn then discussed the matter heatedly in private for twenty minutes and continued to do so after the full meeting reconvened. The whites left again, but Ellis was invited to stay. Upon reconvening a second time, the full gathering was told by Ellis that no decision could be reached and he would seek advice from the Authority. Andrews reported to the project team that Jatbula alone opposed the proposals. According to Leckie's report of a subsequent phone discussion,

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<sup>108</sup> J.F. Leckie, 24.2.89, Letter to R.W. Ellis, Aboriginal Areas Protection Authority files.

Ellis' interpretation of the meeting was that Nipper Brown supported the bench widening, Sandy Barraway initially had doubts but later in the meeting came around to the view that ultimately the "white fellas" were going to make a decision to go ahead so he might as well go along with this decision now. Peter Jatbula was opposed.

Ellis said he felt that the Jawoyn were really asking him to make a decision.<sup>109</sup>

Mackinolty had attended none of the Authority's previous development consultations over Coronation Hill, and recalled that,

the surprising thing about this was that split, and, I was really surprised. I mean throughout Jatbula was the one that's always been the firmest. There's never been any document anywhere, a thing that said he said 'maybe'. . . . And this was one of the few times where Sandy really sort of did jump quite dramatically into the other camp. . . . It surprised me at the time.<sup>110</sup>

When Ellis raised the matter at the next Authority meeting, two of its Aboriginal members, the Chairman Musso Harvey and Wenten Rubuntja, were delegated to 'undertake informal discussions with the senior Jawoyn custodians, in order to determine a genuine feeling on behalf of custodians with respect to the proposed bench sampling project'.<sup>111</sup> They, with Ellis and Cooper, met with the three senior Jawoyn custodians again at Low Level Reserve on 5 April. No notes or minutes of this meeting are available, but in another phone conversation with Leckie, 'Ellis' comment was that with aboriginal authority members conducting the meeting there was "a resounding no".<sup>112</sup> Ellis called the outcome 'most unexpected',<sup>113</sup> Leckie

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<sup>109</sup> J.F.Leckie, 1.3.89, Note to File: Aboriginal Sacred Sites Protection Authority, BHP/Newcrest Correspondence and Reports.

<sup>110</sup> Interview 7.6.94.

<sup>111</sup> Aboriginal Sacred Sites Protection Authority, 10.3.89, Minutes of the Forty-Fourth Meeting, Aboriginal Areas Protection Authority files.

<sup>112</sup> J.F.Leckie, 13.4.89, Note to File: CHJV ASSPA, BHP/Newcrest Correspondence and Reports.

<sup>113</sup> Ibid.

called it 'somewhat of a shock'.<sup>114</sup> The Authority declined to approve the proposed works at its meeting on 7 April.

Considered in theatrical terms, these two consultation events had put the same proposal to the same three custodians at the same place. Ellis and Cooper attended both meetings. The principal differences appear to have been the presence at the former of the kind of gathering usually collected for a development consultation, consisting of project team members, Jawoyn employees and other Jawoyn, and the familiar introductory scene-setting episodes of Ellis explaining the purpose of the exercise and the project team geologist, with computer simulations and photographic enlargement, keying the audience in once again to the underlying discourse of cumulative development at Coronation Hill.

Mackinolty had had long experience of the Jawoyn and comparative experience in NLC consultation processes, and his memories of this, his first Authority consultation, offer some interesting scenic detail. He noted that after the project team geologist had presented the work proposals, team members remained with the assembled group and continued to press their case during the public discussion period, withdrawing only when the Jawoyn entered their own closed discussions. As well, no additional or alternative information on the proposed development was offered to the Jawoyn from an independent source. Mackinolty favoured a more structured and separated arrangement that allowed the proponents of development a fixed opportunity to present their material to the Jawoyn and another formal slot for presentation of independent advice. Such independent advice was part of NLC process, but the Authority did not have the same broad expertise on staff and, in any event, as Ellis had had cause to argue at other stages of the issue, the Authority was concerned with a more specific question than the NLC. Still, Mackinolty's observations, and his sense of such meetings as 'very one-sided', accentuate a condition of theatricality to which I have drawn attention, that the circumstances of

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<sup>114</sup> F. Leckie, 14.4.89, Letter to R.W. Ellis, Aboriginal Areas Protection Authority files.



a development consultation tended to align the scene with an underlying discourse of development.

Mackinolty noted further how some scenic details took on a new appearance within the tensions now building around the issue. The continued employment of young Jawoyn men on the project, in particular, had been a focus of intra-Jawoyn debate and the subject of an especially tense community meeting in August of the previous year. The efforts of the project team in promoting the future employment potential of the project among Katherine area Aborigines had tended to turn employment into a focus around which a pro-mining interest group now circulated. Mackinolty describes how this manifested itself in the scene of the meeting of 28 February:

And things were very factionalised then too, where you did have this camp of people brought down from El Sherana with their baseball caps and t-shirts and so on, and the BHP mob, the whitefellas were standing with this sort of group around Andy and so on and it was very much an us and them situation.

....

I guess it's something you can't put on paper too. It's all that body language things, you know. The meetings that I go to, everyone sits down, round a circle or however people want to arrange themselves. People may or may not stand up to talk but then they sit down and so on, whereas the mode of the BHP people was always to be standing up and, sort of physically surrounding people a bit. At those sort of meetings all the El Sherana workers would be standing in one sort of block to one side and, the rest of it. There was nothing relaxed about the meetings.<sup>115</sup>

This theatre produced a selection of text similar in substance and tone to other such development consultations, with some queries surrounding Barraway's performance. It was thus largely consistent with the expectations held by the project team on the basis of prior consultations. Allowing that it was held away from the project site, and that aspect of scenic difference may have given Barraway

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<sup>115</sup> Interview 7.6.94.

latitude for his apparently vacillating performance, the broad assent given to the development proposal, against Jatbula's continuing dissent, also appears to be generally in accord with the relationship of scenic similarity with other development consultations.

At the second event, the majority of participants were replaced by two members of the Sites Authority, both senior men from their respective regions, Borroloola and Alice Springs, and there were no visual props. This theatre produced a different reading. In the next section I address the question of the scenic effect of the presence of senior men of other language groups at theatres concerned with Coronation Hill.

### **Non-Jawoyn law-men: theatricality transcended?**

Just as Cooper's dissent from the sequence of development approvals was based on his view that the consultation process had failed to penetrate to an underlying local Jawoyn sentiment against mining, so he felt that the NLC's steps towards negotiations in late 1987 were being internally influenced by officers who had little local contact, but were simply proceeding according to formal instructions as they would in any other situation. Josif, returning to Jawoyn affairs at the end of 1987 as an NLC consultant, also had reservations about the formal processes by which the issue had been managed. From his perusal of the files he believed that consultations had been rushed and, citing the analogy of the legal rules of evidence intended to protect Aboriginal defendants in criminal cases, that the custodians' expressions of assent to development, recorded in the presence of miners and other authority figures, were not safe. Moreover, Josif and Cooper joined the view that the resolve of the senior custodians was being weakened by the fatalism of their own advisors with respect to likely outcomes over Coronation Hill. Josif commented that there were very few individuals who 'kept faith'<sup>116</sup> with the senior Jawoyn men

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<sup>116</sup> Interview 29.4.94.



throughout. Mackinolty, an NLC officer during the late 1980s, was another concerned with the way existing processes of issue management had produced weariness over endless consultation and the stress of internal political division among the Jawoyn. He was however the least inclined to discriminate between authentic and inauthentic texts from the custodians by appeal to secondary factors. He rather emphasised the context of each consultation event, especially the factor of the organising party, in a manner closely approximating my notion of theatres. Approaching the start of the Resource Assessment Commission Inquiry in early 1990, he believed that management processes to date had obscured and confused rather than clarified the custodians' genuine feelings about Coronation Hill, and like Cooper and Josif, he saw the involvement of women in meetings to do with the exclusively male domain of Bula as a long-standing flaw in those processes.

As the Coronation Hill dispute intensified during 1988 and 1989, people such as these who supported the Jawoyn custodians in what they believed to be their genuinely anti-mining position began thinking about moving beyond the organisational relationships that had so far dominated management of the issue, and mobilising men from neighbouring language groups to provide assurance to the three Jawoyn seniors that they had support from others who shared their understanding of the power of Bula. The idea was about trying to create at least one moment when governance of the issue was returned to an entirely Aboriginal domain, away from all the parties and processes that had, by reason of political or administrative necessity, so constrained and framed the participation of the relevant Aborigines that their authority was being smothered and their truth lost. Action on this idea was frustrated by limitations of time and resources. Then as the RAC Inquiry began in mid-1990, Josif and Mackinolty, operating as part of a Jawoyn Research Group that had put itself at the disposal of the Jawoyn Association, organised a meeting on the creek at Barunga consisting solely of men and addressed by a number of senior non-Jawoyn ritual leaders. This group declared itself opposed to mining. For those with misgivings about past consultation



practices, and especially as expressed by Josif, this was a moment of truth.

89-90 was when I actually facilitated a meeting of some sixty senior men, who were hand-picked by the Jawoyn custodians, those three particular custodians, who attended a business gathering, I don't want to call it a meeting because it wasn't a meeting, which was held purely by Aboriginal people, this was held at just on the creek there at Barunga. And they decided unilaterally that 'this thing was completely wrong, and here's what we say, and why wasn't this done a long time ago?' So basically they were saying 'look all this other stuff, these working parties and all the rest of it, has been irrelevant, and it hasn't had a lot of power because it's been wrong, and we've got to deal with this in a cultural way'. And they were only too glad to lend their total and unanimous support to fight the whole business, to defend to look after those Bula sites. . . .

And in fact that decision was conveyed immediately to the Ministers and all these other kinds of people. But that was when the resolve really was made clear in an Aboriginal way as opposed to sort of these constructs of working parties and anthropologists explaining for and politicians fact-finding and all the rest of that, which was by and large a separate way of dealing with things, it was a fire-fighting method. And it was responding to this continual question, you know, about mining at Guratba, 'can we do it?'. The question was continually asked. And the answer was never acceded to, whereas in this solid group of appropriate men, it was quite clear the position the people had and why they had it. And it was kind of a big relief after that happened.<sup>117</sup>

Josif here contrasts this 'business gathering' involving men from surrounding Arnhem Land language groups with the various theatres through which the issue had been managed until then. Those other events were 'meetings', 'a separate way of dealing with things', management instruments intended to consider specific proposals.

I'd suggest the way in which consultations were conducted, were just consultations. As in, 'I'm the doctor and I'm telling you, does it hurt when I press you here?' There was no real dialogue that was ever conducted. . . .

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<sup>117</sup> Interview 29.4.94.

The whole system was not geared to competently and comprehensively deal with this across-cultural matter.<sup>118</sup>

The Barunga business gathering, on the other hand, was the right kind of arena in which to deal with this kind of issue, one in which a culturally true position, consistent with what the senior custodians really felt, could be enunciated.

People said 'yes' to the mining company, then they said 'yes' to the land council. But then, privately, when you just spoke with people just quietly and privately, those three custodians on their own, and when a group of that sixty-odd very senior people, those custodial holders, and the ceremony people, were left alone. Chips and I absented ourselves from that, we went away. All we did was just facilitate the gathering, and we went away. And then we did the cooking after, basically. Now, in those kinds of circumstances, people were adamantly saying, those responsible people, were adamantly saying 'no'.<sup>119</sup>

For Josif, this was a moment of liberation from the alien pressures of liaison, lobbying, and consultation, when the custodians could say what they truly felt. Similarly, with respect to the final development proposal discussed in the last section, Cooper contrasted the first consultation, a conventional theatre in the presence of various parties which led to an uncertain outcome, with the second, a private talk between the custodians and the Authority members, away from the site and the project team, which ended development work at Coronation Hill. Cooper's claim distinguishes context that produced an invalid text from context that produced a valid text. Josif seems to go further, to see in the Barunga creek gathering a unity in an act of Aboriginal solidarity that obliterates the separation between text and context. Both these approaches are founded in acceptance of the script of religious power and danger as that to which the three senior men were committed as a culturally authentic bottom line with respect to Coronation Hill, through whatever dissent and interrogation they encountered from any quarter.

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<sup>118</sup> Ibid.

<sup>119</sup> Ibid.



They just said 'Look, this can't happen because of these reasons and that's it. No matter that there is opposition by certain members. But it doesn't matter, they can have their own view. But we have the primary responsibility, we have the last say'. And that was the point, and it's a very powerful cultural force, if you want, that 'We have the last say, and anyone else can say whatever they want, they can argue, they can do anything, but really, there's nothing that can alter the fact that we're responsible'. And that was the point which everything else continually tripped over, because people tried to change their minds on an issue that they couldn't change their minds on.<sup>120</sup>

A theatrical approach that refuses such a priori commitment, but that treats the data of the relationship between context and text, or between scene and act, as the relevant grounds from which to begin an analysis of motivation, will find other possibilities in the gathering of senior law-men at Barunga, or in the encounter with Authority members.

What kind of scene was constituted by the presence of non-Jawoyn ritual leaders at Barunga? When Mackinolty and Josif organised that gathering, they were acting from prior knowledge of the relationships that governed religious business in south-west Arnhem Land. Commenting on his experience in the region since 1981, Mackinolty recalled the responsibilities assumed by men of neighbouring language groups in Jawoyn affairs. Since the death of a prominent Jawoyn ceremonial figure in about 1980, religious performance at Barunga and Beswick had been conducted for Jawoyn by Rembarrnga and Ngalkbon men. This included life-cycle rituals for initiations and funerals, and the major regional events of Kunapipi and Yabuduruwa. Cultural education at Barunga school was conducted by two men, again Rembarrnga and Ngalkbon, while the paintings on the walls of the school were done by Mayali and Djinang artists. Even senior Jawoyn men, while they had in most cases attended important ceremonies, were not principals in their organisation and conduct.

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<sup>120</sup> Ibid.



Moreover, these neighbours were conscious of the danger of inappropriate activity in the area of the Bula dreaming. I mentioned in chapter 2 the concern, recorded by Maddock at Beswick in 1964, of two Ngalkbon men with respect to a Bula site, probably at Big Sunday. Similarly, Mackinolty knew of deaths among non-Jawoyn people of the region being attributed to BHP's activities at Coronation Hill.

Just before the 1988 Barunga festival, I'd been up, based at Barunga for about three weeks beforehand sort of organising. This was the big one where [Prime Minister] Hawke came up and promised a treaty and so on. There was a Yabuduruwa at Beswick. And I went up and camped, not at the business camp but just at the general camp, sort of two or three nights leading up to that. . . . Now there was an earth tremor that morning, and the next day Mick Painter died, and people attributed that to interference in Bula country. And there was attribution of a number of deaths through that period . . . to BHP's involvement in the area. And that was coming from people like [several senior non-Jawoyn men]. . . . Mick Painter, he was, he wasn't a Jawoyn, but he was a very long-term resident, a very respected resident at Barunga over a long period.<sup>121</sup>

The presence of senior non-Jawoyn ceremony men at the Barunga creek meeting in 1990 brought into the scene of that theatre an historical circumference of established and practised religious authority vis-à-vis the Jawoyn. That presence was implicitly coercive in the abstract in that it embodied an authoritatively Aboriginal discourse on questions of ultimate power, to which any participating Aborigine would feel obliged to accede. More concretely, it consisted of a set of individuals who carried the symbolic weight of high religious practice within the Jawoyn social universe, and who themselves felt the consequences of any perceived failure of Jawoyn responsibility to the Bula sites. In other words, their presence as a scenic factor amounted to a compelling theatrical gesture towards a reading from the script of religious power and danger by the custodians.

If it seems ungenerous to replace Josif's view of the Barunga meeting as a moment of benign solidarity by the image of a theatrical transaction dominated by a

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<sup>121</sup> Interview 7.6.94.

currency of hard law, it is instructive to consider Peter Jatbula's view of the uses of non-Jawoyn spiritual power. The first time I met Jatbula was two months after the commencement of the Resource Assessment Commission Inquiry into the now reduced Kakadu Conservation Zone.<sup>122</sup> My questions to him began in a general and unfocussed way, but Jatbula soon turned to what was on his mind. Andy Andrews was by that time known as the activist representative of a pro-mining 'faction' among the Jawoyn, the size of which seemed to vary with circumstance and the observer, but was taken to consist most clearly of the project team Jawoyn employees and some of their family members. At the final development consultation at Katherine Low Level in February 1989, Andrews had argued to Ellis that majority opinion at the meeting in favour of the project team's proposals should carry the day. In late 1989 he had sent a petition to the Prime Minister with signatures from Katherine area Aborigines in support of the mine, and now he sought more signatures as the RAC Inquiry approached.

Jatbula was aware of this petition, and aware also that the RAC commissioners would be meeting in the forthcoming months with Jawoyn people to directly ascertain the Aboriginal view of the Coronation Hill project. Up to this time, Jatbula had become acquainted with some male Aboriginal members of the Sites Authority<sup>123</sup> on three occasions when Ellis had sought their assistance in consulting with the Jawoyn, most recently at Katherine Low Level Reserve in April 1989 (see above). He knew that these men were watching to see the outcome at Coronation Hill, and that they could call up the deadly power of dreamings from their own countries in a way that Jawoyn could not. If a meeting of Jawoyn before the RAC commissioners ignored his warnings and voted for mining, and their numbers carried the day, then a moment of accounting would follow.

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<sup>122</sup> In October 1989, the Federal Government decided that the Conservation Zone would be reduced from its original size of about 2250 sq kms to 47.5 sq kms, consisting of two adjacent parcels of land from El Sherana to Coronation Hill. At the same time it decided the Resource Assessment Commission would inquire into future management options for that remnant area. Its Inquiry ran from April 1990 to April 1991.

That nother mob from Western Australia, and Alice Spring and Borroloola, when they give me, they asking me 'why you been sell your culture?', if they say that, then I tell 'em 'here, here's the paper, this mob been make decision, not me'. All right. They do something.<sup>124</sup>

Jatbula proposed to use the petition and the minutes of the meeting to identify the people who voted for mining to the Authority members. He anticipated they would back him up, that they would return to their countries and visit retribution by sorcery upon each individual Jawoyn who had usurped his right to speak for Coronation Hill. There was nothing benign about the deployment of such power.

Jatbula's preference for turning to the Authority members rather than the more local men who Josif and Mackinolty gathered on the creek at Barunga probably arose from the personal inclination he had always shown to keep apart from the Barunga community. His independent character was nowhere so sturdily demonstrated as during the events around Coronation Hill, when he struggled first to sustain the integrity, and later to impose the authority, of performances within Burke's act-agent ratio. Whatever success or failure he had experienced in influencing the selection of texts in a succession of theatres, he would not now ignore a challenge from among the Jawoyn to what he considered his pre-eminent right to tell white authority what should happen at Coronation Hill. Any Jawoyn person that supported the wrong thing, by voting for mining, would be found out.

I'm the bloke, the boss. I've just been make decision. But no, they put me one side, they longa front. Well that man looking for graveyard.<sup>125</sup>

In the last section I discussed the two Authority consultations at Katherine Low Level that dealt with the project team's final development proposals, but offered a theatrical interpretation of only the first. I left in abeyance the question of how the

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<sup>123</sup> Now re-named and re-constituted by new legislation as the Aboriginal Areas Protection Authority.

<sup>124</sup> Interview 26.6.90.

<sup>125</sup> Ibid.



scene of the second, involving two Authority members in place of the project team, its workers and other Jawoyn, might be accountable for the different outcome, the 'resounding no' from the three custodians. Jatbula's understanding of the disposition of the Authority men towards this issue now suggests the character of that scene at Katherine Low Level in April 1989 as perceived by the custodians, and how it contained their act in choosing that 'resounding no' as the appropriate text for that theatre.

To return to the gathering on the creek at Barunga, we do not know what was said, whether any retribution was threatened or even implied. But even while Josif prefers to represent that meeting in an idiom of support for and solidarity with the custodians, there is important common ground between our interpretations of the event. He emphasises that the position put forward there was not a matter of individual volition or preference, but one of cultural imperatives. It was a theatre that offered no choice but to tell what mattered most.

They couldn't accept, no-one could accept that people said 'no', and the fact that it was a non-negotiable position, like the bottom line had been arrived at, was very hard for politicians and bureaucrats to swallow, and the mining industry. And that was the big difficulty. It was just an incredible cultural clash at that point of, like, 'You can't negotiate any more. Sorry. This is the end of it. And we can't give away anything. This is, this is the bottom line'.<sup>126</sup>

There is power at play in this, located in a discourse of traditionality that commands adherence. Josif sees the script of religious power and danger as one that, by its own terms, must be selected. He thus understands the text he invokes in this passage as a sign of a compelling interiorised allegiance to that script by the custodians, who 'can't give away anything'. I locate power rather in the conditions of theatricality, in Burke's relationship of containment between a scene that included a number of speakers who, for the Jawoyn, had long carried the mantle of

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<sup>126</sup> Interview 29.4.94.

an authoritative Aboriginal centre, and the custodians' act of selection from the script recommended by that gathering. Taken as a product of one event among the many over the preceding four years that I have reviewed in this thesis, Josif's conjectured text is no more legitimately treated as transcendent of context than any other. Indeed, elsewhere Josif acknowledges that the potential that Jatbula saw in the intervention of Authority men from distant countries was relevant also to Jawoyn awareness of being watched by their Arnhem Land neighbours. In his 1988 report to the NLC, he found a warning of payback killings and sorcery implicit in the interviews he had conducted with non-Jawoyn men at Beswick (Josif 1988: 11).

Indeed, if I am correct in seeing that context as compelling, then the historical motivations for the script of religious power and danger that I explored in chapter 5 are of correspondingly reduced salience in this theatre. I wrote there of the custodians' implicit act of choosing to align themselves with a future political trajectory by realising a particular set of values from Coronation Hill. Here, that seems less clear than an act of deferential endorsement when, as on the creek at Barunga or in small meetings with Authority members, the power of the script is personally embedded in the scene of the theatre.

## **Conclusion**

Theatricality then, did not disappear when the Coronation Hill issue became a dispute in early 1988. As the custodians continued to select text appropriate to their interpretation of each theatre, so each external agency understood the readings it was given to signal an identity of purpose between the Jawoyn and itself. Jawoyn theatricality thus sustained two opposed and disconnected processes of political involution, and across the fence that now separated them, the contending organisations became entrenched.

As my account has shown, such an outcome was not inevitable. The dispute was not a necessary outcome of ideological conflict at the organisational level. The

weave of individual commitment and passion through the structures engaged with Coronation Hill was a sometimes potent source of contingency, but it was at times aligned with, weighed against or at a loose end within the larger policy or strategic logics to which organisations as a whole were required to orient themselves, and both of these were subject also to the continuing effort to understand what the Jawoyn were thinking. The durability, through various political and policy phases, of the status of the custodians as an authoritative Aboriginal centre within the formal processes of issue management, caused much to be focussed on them. Their role was played out primarily through a long series of interactions with other agencies and individuals, most importantly in the form of consultation events that I have analysed as theatres.

But while I have denied any unilateral interpretation of the custodians' values and motivations, the field does not therefore consist of only complexity and unpredictability. While the multiplicity of agents and elements that could bear upon such events was another common source of contingency, Burke's formulations of the dynamics at play allow structure and process to be seen. And while the refusal of the custodians to adhere to a consistent selection of script speaks to a fundamental indeterminacy in their apprehension of the issue, it too has identifiable dimensions in the relationship between Jawoyn historical concerns and the distinct realisable values of place presented by Coronation Hill.



## **PART 4**

## **CONCLUSION**

## **CHAPTER 10**

### **CONCLUSION**

#### **Texts and authenticity**

At the beginning of chapter 3 I commented that the debate over Coronation Hill was conducted as a secondary discourse, that is as a contest between the understandings held by several external agents about a primary discourse notionally located among the Jawoyn. Both the Authority and the project team had sought to offer policy-makers direct access to Jawoyn statements by the use of video, and those policy-makers themselves, as members of the Senate Inquiry and later the Resource Assessment Commission or as individual Federal Ministers, came north to question Aborigines directly. But video footage and transcripts of testimony were never allowed to stand alone. They were accompanied by contextualising documents or challenged by secondary commentary, presented by one or other of these external agencies. This repetitive and competitive exercise in the recontextualisation or recentring of texts (Hanks 1989: 6; Bauman and Briggs 1990: 74-75) made up an intermediate level of political process by which the external agencies involved in managing the Coronation Hill issue attempted to make a persuasive connection between the first level of process that I have analysed in this thesis, and the final level that was carried on through inquiry reporting, parliamentary debate, and Cabinet decision-making. The scope of this thesis does not extend to any detailed consideration of these intermediate and final levels, but to the extent that they were conducted as evaluations of representations, or re-sayings for the Jawoyn of what the Jawoyn had said, they too were accompanied by claims for the authenticity of the re-sayings based on the quality of communication achieved at consultation events.

That the Jawoyn position and performance in this issue had an insistent appearance of fluidity and indeterminacy is illustrated by how widely such claims for authenticity and effective communication needed to be made. Joe Callanan, the former Gimbat pastoralist, asserted that same pioneer's knowledge of the area that Joe Fisher did, challenged the accuracy of more recent anthropological accounts of language and culture in contexts such as land claims, and repudiated Jawoyn concerns about Coronation Hill.

There's one thing I must tell you, with blackfellas. They are quite smart. If they know full well that you know nothing about blackfellas and their habits and their traditions, they'll tell you exactly what they want you to believe. If they can bullshit to you mate they will. [On a point of dispute with an anthropologist,] I said 'I learnt the lingo from growing up with them, hunting with them, blooming playing with them, and . . . you know, you'd learn. And that way' I said 'they tell you the truth. 'Cause' I said 'you lot, they'll tell you anything they like to tell you because you don't know bloody difference'. . . . I said 'you believe 'em', I said 'they're happy that you believe 'em, they're happy. They've pulled the wool over your eyes. . . . You take it from somebody that been born and reared with them. Fight their spear games and their boomerang games and the whole flaming works with them. I was noted around this country as being a bloody white blackfella'.<sup>127</sup>

In the immediate aftermath of the Davis inquiry in 1986, Bob Collins, then Leader of the NT Labor Party, was asked by an ABC journalist:

ABC: Now we have at least three groups of people talk to the Aborigines at Katherine and around Coronation Hill if we count the Sacred Sites Authority, yourselves and Steven Davis. How can anybody be sure that anybody has the truth about how those people feel?

COLLINS: John, it's difficult. The only reason — I might add — it is something I was very conscious of which is why I did it very quietly indeed without any upfronting, but I guess I have a distinct advantage, certainly over Steven Davis which is why I was able to do it in that the people I was talking to are people I have known for twenty years and indeed some of the Jawoyn people I can still

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<sup>127</sup> Interview 21.7.90.



remember, and indeed they remember me working with them, certainly nineteen years ago when I first worked in Katherine so they are people I have known for a very long time and it wasn't a question of sort of approaching them as Leader of the Opposition. It was just a situation that I was able to sit down with them in a private house in fact, in Katherine for half a day and just talk the whole thing through very quietly.<sup>128</sup>

In their report to the NLC at the politically unsettled time of January 1988, Josif and Merlan emphasised the pains they took in approaching the question of Coronation Hill with the senior custodians.

Despite what appears to some others to have been their concessions, long unhurried attempts to elicit their views in what we hope and believe was an unbiased way reveals that these people are deeply opposed to the mining.  
(Josif and Merlan nd: 4)

Commenting in retrospect on this and his subsequent work on the issue, Josif added:

I didn't care whether they said yes or no. I just cared that what they said was what they really meant. . . . But professionally I was really concerned that there was no real consultation that had occurred. And I actually saw that, '88, that work from then, as being kind of the final word.<sup>129</sup>

Finally, in February 1991 the Resource Assessment Commission's draft report gave Jawoyn concerns a central place in its consideration of the issue and found that the senior custodians were unequivocally opposed to mining. Answering questions at the National Press Club, the head of the Commission, Mr Justice Stewart,

denied the commission had placed the Aboriginal people under any pressure during the RAC inquiry, saying many different groups and individuals were interviewed.

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<sup>128</sup> Transcript, 12.8.86, Aboriginal Areas Protection Authority files.

<sup>129</sup> Interview 29.4.94.

"I feel in my heart of hearts that there was no undue pressure," he said.  
(Cooper 1991)

An interpretation of the Jawoyn role that takes the theatrical frame as its central explanatory metaphor will have no appeal to those so convinced, because it is an affront to their own experience. Though Callanan, Cooper, Collins, Rush, Linke, Josif and others held flatly opposed views about sacredness and mining in the Gimbat area, one thing they had in common was a conviction as to the authenticity of their own experiences of the Aboriginal word. It is a corollary of my argument about theatricality that all those who sought to represent an Aboriginal view on this issue could honestly and for the most part reasonably claim to have, in the course of careful and thorough consultation, elicited from the custodians genuine expressions of both pro- and anti-mining sentiments. My own interpretation is an attempt to respect the totality of those experiences and to make sense of their incompatibility.

In other words, my disagreement with each of the external parties that sought to advocate one or other interpretation of the Jawoyn position is limited. I do not contest the truth of the story each side heard, only that the truth value claimed had any reliable status outside the context in which it was asserted, or to put it another way, that either story was an exclusive or exhaustive statement of the position of an authoritative Aboriginal centre with respect to the questions of sacredness at Coronation Hill and the acceptability of the mining proposal.

The failure of the challenge to the Sites Authority and its legislation in 1986 preserved the position of the senior custodians in the management of this issue. It meant that the ongoing problem of documented contradictory testimony could not disqualify them from their status as bearers of an authoritative Aboriginal discourse to which all contending external agencies must have resort. In the face of contrary representations of the Jawoyn perspective, each contending party worked more carefully, repetitively, or extensively to validate by documentation the position that

it understood the custodians to genuinely hold. In addition, each agency sought to invalidate opposing testimony by questioning the integrity of the circumstances of its elicitation.

But in the end, the corpus of texts leaves an impression of distance, that after all that activity the minds of the custodians were still not known. As agents of the policy process occupying different points in the structures of issue management, various interlocutors grasped the texts that the custodians produced as tokens of some unified interiorised state of belief and being, reified them and argued about them. In the face of dispute, these interlocutors constantly returned to the custodians to elicit more texts to reassure themselves that they had achieved some connection with that interiorised state, but the persistence of contradiction as interpreted through theatricality shows that all any of them ever had was a sample bag of texts in which they had to assume the custodians had invested something of themselves.

I do not wish to deny that assumption, only to question the status — the wholeness, reliability, position — of the custodial self being invested. Goffman, at least in his later work, offers an approach to locating the self amongst the data of performance. He places it as an underlying generator of the variable expressions seen in all the roles that are played.

There is a relation between persons and role. But the relationship answers to the interactive system — to the frame — in which the role is performed and the self of the performer is glimpsed. Self, then, is not an entity half-concealed behind events, but a changeable formula for managing oneself during them. (Goffman 1975: 573)

If only a changeable formula, then this conception of self, and any model of theatricality built around it, leaves us agents with no stable interior life. Giddens (1988: 278) comments that ‘Goffman makes it clear enough that there is a unitary person behind the roles that are played in the diversity of social contexts, but his discussion of this self tends to be very rudimentary indeed’. Collins calls this



self the 'core motivational unit', or 'a thread through all the various selves which are enacted', before adding:

But this in turn spins off many levels of self-presentation, performative exigencies, frame breaks, transformations, and so forth, which differentiate the stances of many "selves", most of them quite temporary. The underlying, motivating "self" has no enduring description, but is simply the human capacity for negotiating all these performances and transformations.  
(Collins 1988: 57-58)

Goffman offers us another passage, however, in which he invests the self with something more.

Our understanding of people seems to be linked to a tacit theory of expression or indication. We assume that there are such things as relationships, feelings, attitudes, character, and the like, and that various acts and postures somehow intentionally or unintentionally provide direct evidence concerning these things. But the position can be taken that in the main what exists are doctrines regarding expression, gestural equipment for providing displays, and stable motives for encouraging certain imputations. It could then be granted that certainly feelings, relationships, and attributes can be faked and that indications can be provided in absence of their proper referent. . . . But what is real in each case, it could be argued, is merely a differently grounded — usually more stable and more acceptable — motive for maintaining a particular appearance. And insofar as this is the case — insofar, for example, as a personal relationship can be defined as a coalition between two players to provide each other with expressions of the existence of a desirable bond — then, of course, two-person worlds are vulnerable indeed. The *indication* that each party provides the other that nothing whatsoever could break them apart is itself the substance, not the shadow, and should the motives of either or both change in this matter of supporting a particular appearance and encouraging a particular imputation, then the displays themselves can be very quickly altered.

(Goffman 1975: 462-63 — italics in original)

The assumption made by the various external interlocutors that the custodians' texts represented something of the custodians' selves is thus, for Goffman, the inescapable condition of all human interaction, one of his 'vulnerabilities of experience'. While this passage shows us a Goffman who treats people as tacticians first and last (Giddens 1988: 278), it seems entirely appropriate to the

performances registered by the custodians in the theatres of Coronation Hill, in which the displays could indeed very quickly alter from one event to the next. It is an apt analysis not for the tactics, but for his emphasis on expressions as the sole available data, and their genesis in 'what is real in each case'. This passage rehearses the structure of Part 2 of this thesis. There I began with the custodians' choice of text from the script of religious power and danger in this theatre, and from the script of jobs and royalties in that (the sole available data), then looked back to find the differently grounded motivations for each script in the experientially intertwined, but analytically separable, themes of Jawoyn history (what is real in each case).

### **Jawoyn agency: what is real?**

While my analysis must look backwards from the data, I am proposing that the Jawoyn looked forward. The argument rests on my inability to discern any grounds for prioritising what they saw as the implications of mining, or not mining, Coronation Hill. Here my position differs in different ways from the protagonist positions in the dispute. Despite the site registration, the miners were never convinced that Coronation Hill fell within the geographical range of concerns about religious significance in the Gimbat area, and they were thus confident that, left to themselves, the senior Jawoyn (except Jatbula) would continue to favourably assess the project in the light of observable benefits accruing from it. There is no serious issue acknowledged here about an intra-indigenous weighing of values. My disagreement with this position is therefore simple.

My disagreement with the other side, as acknowledged in discussions with its more thoughtful advocates, emerges as the net effect of a dialogue of mutual concessions and interpretive differences on the particularities of people and process. There

seems to be greater acknowledgement on this side<sup>130</sup> of the complexities and imponderables that permeated the Aboriginal articulation with this development proposal, and a more willing admission that the Aboriginal position that they worked to in the end had not been the unilateral position of all individuals throughout. This view recognises both religious concerns and material inducements arising from the Coronation Hill proposal. Josif, for example, recalls,

Nipper actually said to me once, he said 'I'm getting old now, . . . I want to have a bit of good life, you know, I want to be comfortable a bit.' . . . He was living under terrible conditions in . . . the Compound at Pine Creek before it was done up. All he's known is hardship. And he was feeling old, and not looked after, and I think that, you know, responsibility for the bigger group was waning at times.<sup>131</sup>

For people such as Josif and Mackinolty, settling on a determinate view of Aboriginal priorities in this issue was a matter of referring back to their own experience of the Jawoyn prior to 1985, before Coronation Hill emerged as an issue. They both worked in Katherine in 1981 for Mimi Arts and Crafts, an organisation offering a commercial outlet to Aborigines as well as cultural research and advocacy. Mackinolty recalled hearing incidental comments from senior Arnhem Land people from whom he bought paintings in places such as Beswick, referring to the Gimbat area as one of danger, and linking it to other sites far to the east. Josif was contracted by the Sites Authority to carry out a quick site survey and inspect the extent of Mobil's exploration activities in the north of Eva Valley, from which he recalls 'I had never seen such an incredible concern about a site or site complex amongst people'.<sup>132</sup> Soon after, Josif, as the first NLC field officer stationed in Katherine, again observed Jawoyn concerns with respect to the Bula area during research trips for the Jawoyn (Katherine Area) Land Claim.

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<sup>130</sup> This has to be a tentative finding. While I was able to have lengthy conversations with several people who held this view, few miners agreed to be interviewed. Rush and Leckie were among those who refused and Linke was uninterested, so I have been more confined to the documentary sources in representing their position.

<sup>131</sup> Interview 29.4.94.

<sup>132</sup> Ibid.



Such experiences grounded the judgment of these observers that a priority within Jawoyn concerns was discernible, that culturally proper management of religious power and danger was their 'bottom line'. The material rewards that they could anticipate from a mine, and the packaging of that anticipation in the benign fellowship of BHP project team officers, worked upon the Jawoyn to compromise, dilute, and lure them away from that original commitment.

I would say that yes, there is on the record a whole lot of contradictory assertions about whether that area should be mined or not. But I think the bottom line always came through, where at the last minute or whatever, without any interference from outside, that no, this can't really happen, because the consequences just are too bad in the cold light of day. It just can't happen.<sup>133</sup>

In this view, the management of country in the Bula area had to be determined in the end by the unilateral endogenous force of tradition. Instead, I understand tradition in this case in terms similar to those proposed by Keen and Merlan (1990) and Merlan (1991a), as a domain of meanings that is defined as blackfella law, but in which the senior Jawoyn who were conscious of it found an idiom of identity to ground their interactions with an encompassing and occasionally intrusive world of white purposes that was unconscious of Aboriginal ownership. As the white world became more conscious, by means of the formal recognition accorded under land rights, so Jawoyn interactions over the Gimbat area reflected the new potentials that flowed from that recognition.

In the earliest days of the Coronation Hill issue, this was not yet so, even though the new generation of land rights law had been in place for several years. At this point, senior Jawoyn knew what should properly flow from development on their country, but had yet to see it offered. Recall for a moment the meeting of 3 February 1986, where Ellis first tried to impress upon the Jawoyn the importance of BHP's activities, and then recorded extended statements of concern from a series of

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<sup>133</sup> Ibid.

people for inclusion in a video to be shown to policy makers (chapter 3). At one point during the first part of the meeting, there are several off-screen comments, probably from Barraway, comparing the money received by whites with that flowing to blacks — ‘blackfella get nothing’; ‘we got fuck-all we blackfella’ — during which Phyllis Wiynjorrotj also comments: ‘We got no new motor car, we got no money. If they want to make him ’bout, you know, make him gold mine longa sacred site, we got no money’.<sup>134</sup> Just like always, then, Jawoyn could expect to get nothing from the use of their land, so the terms of religious power and danger in which they expressed their sense of the values of place in their subsequent statements for the video were the only relevant ones.

Talking to the miners over the following months, however, showed them that the mining proposal for Coronation Hill for the first time expanded the field of possibilities that they could contemplate emerging from development. It did so, moreover, with respect to a place that, according to any prior documentation, did not figure in their knowledge as a primary locus of sacred power. This was a new situation for the Jawoyn. From this point, the data, taken as a totality, cannot substantiate a ‘bottom line’ judgment. My metaphor of theatres and scripts is an attempt to model the way in which their performances at times implied an alignment with one set of possibilities, and at times with another. Theatres thus framed the play of Jawoyn agency with respect to the realisable values of Coronation Hill. It could not have played in the same manner with respect to any part of Gimbat, as Barraway tried to impress upon Linke during their helicopter tour in September 1988. In areas such as those then visited, the doctrinal ambiguities surrounding Coronation Hill did not apply, and the Jawoyn relationship to place admitted of only one form of recognition.

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<sup>134</sup> Meeting at Low Level About Coronation Hill 3.2.86, Aboriginal Areas Protection Authority video.

## **The end of the affair**

As the Coronation Hill dispute proceeded after 1987 through successive stages of policy management — the Senate Committee's report on the potential of the Kakadu region, the Coronation Hill Environmental Impact Assessment process, the Public Environment Report on exploration at El Sherana, the Federal decision to reduce the Conservation Zone boundaries, the Resource Assessment Commission Inquiry into the resources of the diminished Conservation Zone, Mr Justice Stewart's concurrent report on protection of sites under the Heritage Protection Act, and the final Federal Cabinet decision to abolish the Conservation Zone and close the Coronation Hill project in June 1991 — the recordings and recentreings of Aboriginal texts in videos, submissions and other documents supporting or opposing mining development also continued. This is an aspect of the dispute I have not had space to discuss. However, alongside this insistent secondary discourse of competing representations about Aboriginal views, policy makers continued to seek out direct representations by Jawoyn people. There thus continued a sporadic theatricality to the highest levels of policy formation.

Graham Richardson, as a member of the Senate Committee and Minister for the Environment, was one who refused to accept the packaging of Aboriginal opinions by others as a substitute for direct access to Jawoyn custodians. On its first visit to the site in May 1986, the Committee apparently received informal Jawoyn testimony asserting the sacredness of the area. Having returned to Darwin for a hearing in October, the Committee attempted to make sense of the intervening events of July and the NT Government's attempt to discredit the site registration (see chapters 3, 4 and 6). Stephen Davis urged the video record of his theatre at the Sleisbeck site upon the Committee as a definitive account of the custodians' views.

Mr Davis — When we have finished the discussion, I will invite you to look at the video. I will be happy to table the transcript of the video which takes us right through the matter. I would be quite happy to field any questions on that matter. But you really need to see the video tape.



Senator RICHARDSON — It seems to me that the only way to resolve it is not merely by viewing a video tape. The only way I would consider it resolved is if the old people who were sitting on the hill that day have changed their minds. If what they were telling us is not true, I would like to hear that from them. (SSCNR 1986c: 2633)

Richardson, aware of the continuing uncertainties in Jawoyn testimony, visited again in the later stages, carrying a copy of one of the reports prepared by Josif on behalf of the Jawoyn Association.

When Richardson came back again later on . . . we all had dinner together. And Richardson wanted a private meeting with me, after dinner, a pow-wow. And he basically said to me, 'look, all of this', . . . he said 'well that's fine', he said 'but how do I know? Is this fair dinkum?', like 'show me fair dinkum. Go away and do it again', you know? Basically. 'I want to know absolutely'. And it was this impossible task, and it was again 'always you keep asking'.<sup>135</sup>

Contrary to Josif's understanding, the absolute assurance Richardson sought could not have come from more research and secondary reporting, incorporating what anthropologists have called recentreings of indigenous texts, but from direct performance. In November 1988 the NLC brought a Jawoyn delegation to Canberra where they were able to meet with Federal Cabinet. Phyllis Wiynjorrotj took the opportunity to deliver a monologue opposed to mining. Ah Kit witnessed the scene.

I remember one occasion when we were down there with old Phyllis Wiynjorrotj, who got up and started talking straight, you know, 'I don't care who you mob think you are, but this is the position'. Phyllis was an important woman for the women's side . . . old Phyllis was staunch and knew the importance through her mothers and grandmother. . . . Richo slipped [a note] in front of one of my blokes, 'Phyllis' drop-kick went straight through the big sticks'. In other words, Richo had wrote a note and slipped it to . . . one of my staffers, 'that's it, there'll be no mining'. This is

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<sup>135</sup> Interview 29.4.94.

during Cabinet, we were meeting with Cabinet. Phyllis had got up and spoke her mind as Phyllis can, and did.<sup>136</sup>

Unlike this fortuitous exposure to Jawoyn performance, the Resource Assessment Commission wanted to ensure direct consultation as a matter of principle. I have discussed elsewhere (Levitus 1996) the logic of the approach that RAC took to assessing the impact of the mining proposal on the cultural values of the Conservation Zone. In summary, I showed there that, having identified the principal cultural values as those held by the Jawoyn people, the Inquiry interpreted its governing Act as requiring that the impact on Jawoyn cultural values be considered with respect to the maintenance of religious tradition and social justice. It then adopted the view that attaining these objects of cultural sustainability and equity itself required a process that allowed participation and self-determination to the Jawoyn. The Inquiry thus perceived an identity between its object of protecting Aboriginal cultural values and a means of arriving at that object, the seeking out and privileging of Aboriginal wishes.

Pursuant to this concern, early in the RAC process, the commissioners met a large Aboriginal group at Eva Valley. The Chair, Justice Stewart, was aware of the record of contradictory testimony, and approached this meeting with his mind on the question 'who speaks for these people?' (Keen pers comm). Both the men's and women's groups at Eva Valley identified the three senior male custodians as the proper people to speak for Coronation Hill. With this, these custodians became of primary concern for the Inquiry in its effort to provide space for Aboriginal participation in the protection of Aboriginal values. At this penultimate stage of the policy process over Coronation Hill, RAC's understanding and application of proper process under its legislation thus preserved for the three Jawoyn custodians the same status as incumbents of an authoritative Aboriginal centre as the Northern Territory sites legislation had done in the preceding years.

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<sup>136</sup> Interview 31.5.94.

The Inquiry subsequently met with large groups of Jawoyn at Gunlom (previously known as UDP Falls) on 20 November 1990, then with the project team's Aboriginal employees and some others, who had requested a separate meeting, at El Sherana the next day, and again with the three senior custodians at Barunga in March 1991. As in the case of the Senate Inquiry hearing nearly four years earlier, it is difficult to identify the relevant scenic factors at play at the first of these meetings, other than that RAC had accepted a suggestion that the NLC organise the meeting for the large number of Jawoyn involved. Some BHP project team officers were also present. At the women's meeting, the Commissioners talked in turn with each of several groups, all but one of which expressed opposition to mining. At the men's meeting a number of individuals spoke, all also in opposition. This majority sentiment was significant not so much in its own right as in the support and deference that it indicated for the senior custodians. Some people in favour of mining also acknowledged their position of authority. The scenic factors at play are more readily identified at the small meeting at Barunga in March. Here, in front of the same Commissioners that had convened the Gunlom meeting four months earlier, and in the company of two senior non-Jawoyn Aboriginal men and two NLC officers, the Jawoyn custodians expressed their opposition to mining.

The record of past Aboriginal testimony amounted to a vexing historical problem for the Commissioners, so in the end they were guided by those texts produced within the theatres of their own Inquiry. Acknowledging the custodians' status as bearers of an authoritative Aboriginal discourse, and announcing its decision to find in its own consultation events resolution of the difficult tasks of weighing and interpreting the substance of that discourse, the Inquiry wrote:

If a democratic approach were to be taken to the question of whether or not mining should proceed in the Conservation Zone, the evidence suggests that the majority of Jawoyn people would be opposed to mining activity anywhere in the Conservation Zone. In Aboriginal society, however, responsibility for religious sites and the authority to speak about them rests with the recognised custodians. In the case of the Zone the identity of the custodians is clear and they enjoy very widespread support in this role. The Inquiry believes that it has obtained as clear, as accurate, and as



*current* an understanding of their views as can reasonably be obtained.  
(RAC 1991a: 178 — emphasis added)

The contrary things that the BHP (now Newcrest) project team knew the custodians to have said were submitted in the Joint Venturers' written submissions and on video. Part of the resentment felt by members of the team with this stage of the policy process arose from their inability to make the Commissioners take these accounts seriously. The development approvals given under the auspices of the Sites Authority, the face-to-face assurances given by a senior custodian to Leckie, the Senate Inquiry's Barunga transcript, in the end carried no weight. The project team could find no acknowledgement of these things in the deliberations of policy.

Once an event happens we can assume that a permanent tracing will be left of it, and that with sufficient research and interrogation, a record of the event could be uncovered. The residue is not lacking, only the reason. When there is a reason, as in the checking out of a claimed historical document, then retrieval can become extremely impressive. And a fundamental disorientation in the world takes place when the individual believes an event has occurred and then finds that he cannot prove this to others. Stories of *The Lady Vanishes* genre exploit this theme. (Goffman 1975: 288)

The point was, however, that in the face of direct Jawoyn testimony, submissions became a subordinate source. Like Richardson, Commissioner McColl was sceptical even of such supporting, but secondary, representations as the Jawoyn Association submission that he found had been prepared by the non-indigenous researchers of the Jawoyn Research Group.

## **Policy and theatres**

This thesis argues that the texts produced by the Jawoyn are not, as a totality, amenable to arguments that seek to discriminate authentic from inauthentic streams of testimony. It attempts instead to present an inclusive framework in which the interpretive focus is on the conditions that generated contradiction. By refusing to

assign relative validity among Jawoyn performances, however, it also implies a disillusioning of the policy process with respect to an authoritative Aboriginal centre. The importance accorded to theatricality and text in this analysis implies an acknowledgement that the relationship between the intra-Aboriginal discourse of the Katherine region on the one hand and the policy and consultation process on the other was not as presumed by the notion of such a centre. The intensity with which secondary representations and debate orbited and competed at various levels around that imagined centre signalled that it was not a thing of consistency with respect to the questions being asked of it. More directly, the custodians themselves, deemed to be the bearers of that authoritative discourse, showed their own motivations with respect to Coronation Hill to be segmented. The Aboriginal centre thus refused to show the qualities that policy required of it.

Goffman remarks on the necessity of such qualities in social activity.

In the case of social frameworks, individuals . . . are defined as self-determined agencies, legally competent to act and morally responsible for doing so properly. In this latter connection, then, individuals have an entirely special role in activity. Moreover, this role is diffusely relevant. The properties we attribute to normal actors, such as correct perception, personal will, a range of adult competencies, access to memory, a measure of empathy regarding others present, honesty, reliability, fixed social and personal identity, and the like are counted on in a multitude of ways whenever interpersonal dealings occur.

It follows that any apparent need to redefine an actor as possessing other than these conventional attributes can have a very pervasive effect upon the activity in which the altered person participates. (Goffman 1975: 188)

Because the status of the Aboriginal centre was guaranteed by the Sites Authority and the Resource Assessment Commission under their respective Acts, no redefinition of the senior Jawoyn actors was allowable. The refusal of their performances to conform to some of the characteristics enumerated by Goffman nevertheless had 'a very pervasive effect'. Theatricality firstly posed the problem of contradictions to the issue-managers of Coronation Hill, then it sustained involuted

political relationships between the same senior Jawoyn people and a number of contending external agents as the latter disputed both the management of Coronation Hill and the quality of their respective relationships with the Jawoyn. The policy process at successive levels continually reproduced theatricality in order to resolve the quandaries that theatricality had earlier generated.

From inside the NLC, Keith Taylor recognised the implications of this. As the RAC Inquiry began, he considered the issues that the NLC needed to address, among them that of more meetings with the Jawoyn to determine their views on the Conservation Zone. In response to a pro-mining petition being circulated by Andy Andrews, there was talk in the NLC of calling a full Jawoyn meeting to definitively ascertain their view as a community. Taylor argued that no meeting at that time could be definitive, as the Inquiry still had almost a year to run and any decision could easily be contradicted by another later show of group opinion.

But at some stage of the Inquiry, RAC would require a meeting, and that was a matter for concern. Taylor wanted to see it happen towards the end of the Inquiry, and he considered that the NLC had a legitimate role in facilitating meetings that were culturally appropriate. The precedent of the Senate Inquiry hearing of nearly four years earlier had to be avoided. He thought that anthropological assistance and interpreters might help Jawoyn witnesses deal with the pervasively foreign character of the proceedings and ensure some real connection between questions and answers. He advised the Inquiry organisers that different consultation contexts could result in different responses, and pressed them to avoid holding meetings with Jawoyn in any location serviced by the BHP project team. In other words, Taylor was sensitive to the scenic conditions of consultation theatres and he wanted the RAC Inquiry to be similarly aware.

This was important because the intention behind theatres as an instrument of management is that they should provide a mode of administrative containment and closure at each policy stage. A site registration or development approval, made on



the basis of request or authorisation from Aboriginal custodians, changes the things that can or cannot be done with respect to a place, including by Aborigines. A consultation event thus establishes a finite frame, a containing scene, for performance, which is then taken by policy to be self-limiting. As Coronation Hill arrived at the RAC and Cabinet stages of inquiry and arbitration, performance in general had to be curtailed, and some particular performance abstracted from its theatrical context and taken as a charter for administrative action. The argument put by pro-mining advocates, following the RAC Inquiry and prior to the final Cabinet decision, that the matter should be subject to further negotiation with the Jawoyn, was a bid to keep open a space for further custodial performance in the expectation that a reading from the script of jobs and royalties in another theatre would offer an alternative moment of policy closure.

As a final thought, we can turn from this to a wider policy question by attending not to the containing and limiting function of individual theatres, but to the cumulative effects of consultation events in the Coronation Hill issue. In the statements recorded on video from the senior people gathered by Ellis in February 1986, Jatbula contrasts their open talking about Bula with the secretive and solitary practices of his father in visiting and looking after important sites. Ethnographers have also recorded some references to past performance of a Bula ceremony. The important difference between both these original expressions of custodianship and the consultation events around Coronation Hill is that ceremony and solitary site visits owed nothing to any non-Aboriginal agenda, while consultations were moments in which relations of articulation were visibly activated. From the perspective of contemporary land management, while consultation theatres functioned as an instrument for the containment of Jawoyn performance, they were, reciprocally, occasions for the practical application of Jawoyn agency.

Indeed, the repeated exercises of field documentation, consultation and inquiry concerning the status of Coronation Hill and the distribution of religious meanings across Gimbat and surrounding areas had been for some years probably the only

occasions that called for the performance of custodianship by senior Jawoyn men, and on which tradition had to be externally manifested and practically applied (Keen and Merlan 1990: 17). In my Report on Registration of Sickness Country I cited 'their long-running public performance of the custodial role' (Levitus 1992: 9) since 1985 as one of the grounds for recognising them as the current incumbents of a primary level of custodianship for Bula sites.

A major dimension of that performance has been substantially omitted from analysis here. I mentioned in chapter 7 the program of site documentation carried out by Cooper and Gunn in the company of senior custodians which Cooper relied upon to substantiate his model of Sickness Country. This is another aspect of the Coronation Hill issue that I have not had room to discuss, except to indicate that those field trips provided a series of important theatres for readings from the script of religious power and danger. In the submission to RAC prepared for the Sites Authority, I presented them as the most recent stage in a process of elaboration of religious tradition with respect to the Gimbat and neighbouring areas, whereby senior custodians were able to continue 'restoring specific form and content to a religious field of power known from preceding generations' (Levitus 1990: 28).

We can recognise the end effect of such readings in the cumulative documentation and administrative recognition and objectification of Sickness Country. In the history that I have discussed, we can similarly recognise the end effect of the opposite corpus of readings in the extensive development works at Coronation Hill and El Sherana and the first discussions of a mining agreement. These two observable sets of physical and management effects were authorised by the senior Jawoyn incumbents of an Aboriginal centre that understood, as a central proposition, that it owned the land. The question that Coronation Hill raises for the policy field of land rights and heritage protection is not that of empowerment, of what Aborigines will be enabled to do, but of agency, of how they will orient themselves to what they are enabled to do, and not just with the religious capital,

but with the general values of place, that they perceive in the landscape.



## Appendix: Main Events

1937	Joe Callanan acquires a pastoral interest over part of Gimbat.
1953 June 2	Uranium discovered at Coronation Hill.
1954	Beginning of further uranium exploration, mining and associated development in upper South Alligator valley and at Sleisbeck.
1955	Walter Arndt visits Sleisbeck and other sites with mining personnel.
1962 February 2	Pastoral lease 668, Gimbat Station, granted to Joseph Callanan.
1962 March	Eric Brandl reports on Jawoyn interests in Gimbat.
1962 December	Eric Brandl reports on Aboriginal attitudes to Christmas Creek site.
1964	Gimbat Station transferred from Callanan to Gunn. Uranium production ceases.
1964 July 15-19	Ken Maddock visits sites at Sleisbeck and El Sherana with Jawoyn and Mayali group.
1964 August 1-3	Ken Maddock visits Sleisbeck site with Jawoyn group.
1970 September 25	Lessees of Goodparla Station surrender area later proclaimed as Waterfall Creek Nature Reserve (UDP Falls).
1972 March 14	Lessees of Gimbat Station surrender Christmas Creek Reserve.
1972-1973	Alligator Rivers Region Environmental Fact-Finding Study.
1975 December 15	Lessees of Gimbat Station surrender Gimbat Resumption.
1975-1977	Ranger Uranium Environmental Inquiry.
1979 April 5	Kakadu National Park Stage I proclaimed, including most of Gimbat Resumption.
1980-1982	Gimbat/Goodparla Land Use Study
1981	Helmut and Joy Schimmel take possession of Gimbat.
1984 February 28	Kakadu National Park Stage II proclaimed.
1984 November 30	South Alligator Joint Venture changes name to Coronation Hill Joint Venture.
1985 September 18	David Cooper conducts field trip to upper South Alligator valley with Jatbula, Brown and Ah Lin, encounters exploration works at Coronation Hill.

**1985** October 3      Aboriginal Sacred Sites Protection Authority registers Upper South Alligator Bula Complex.

## **1986**

February 3      Jawoyn meeting with Authority and NLC officers discusses Gimbat sites and development. Seniors record video footage about dangers of Bula.

February 25      Jawoyn group visits Coronation Hill with BHP, Authority and NLC officers for explanation of development plans.

March 6      Jawoyn meeting in Katherine rejects BHP development proposals for Coronation Hill.

March 26      BHP officers appear before Senate Standing Committee on National Resources hearing.

May      Sites Authority publicly distributes 'Shake 'Im This Country' video.

May 21      Senate Committee visits upper South Alligator valley.

May 22      Authority and NLC officers and Joe Fisher appear before Senate Committee hearing.

June 15, 16      Newspaper article 'BHP NT Office Shuts' and editorial 'Stop This Madness'.

July 1      BHP officers receive permission to resume development from Jawoyn meeting at Barunga.

July 3      Sites Authority approves resumption of works at Coronation Hill. Stephen Davis visits Sleisbeck site with Brown and Barraway.

July 4      Jawoyn meeting at Katherine Low Level Reserve revokes decision of 1 July.

July 5      NT Minister for Mines and Energy announces inquiry by Stephen Davis into Sites Authority's registration of Coronation Hill.

July 6      Newspaper article by Joe Fisher 'Myth or Mistake' challenges site registration.

July 9      Davis submits report to NT Minister for Mines and Energy.

July 11      Sites Authority meeting in Katherine reconsiders and confirms authorisation for resumption of works at Coronation Hill.

August      Drilling resumes at Coronation Hill.

September 16      Federal Cabinet decides to extend Kakadu National Park to include Goodparla and Gimbat stations and to allow mineral exploration. Coronation Hill to be approved subject to normal clearances.

October      BHP project team hires four Jawoyn workers.



- October 29 Authority and NLC officers and Stephen Davis appear before Senate Committee hearing.
- October 30-31 Ellis conducts on-site development consultation with Jawoyn group and BHP officers. Jawoyn agree to further work proposals.
- November 13 Sites Authority authorises further development work at Coronation Hill.
- November 19 Authority officers conduct supplementary development consultation with Jawoyn group at Coronation Hill.
- November 20 Ritchie records video footage with Jatbula and Barraway along South Alligator valley for Senate Committee.
- December 16 Federal Cabinet decides to declare 65% of Goodparla and Gimbat as Kakadu Stage III and allow five years' mineral exploration in a Conservation Zone over the remaining 35%.

## **1987**

- March 9 Senior Jawoyn appear with NLC officers and Cooper before Senate Committee at Barunga.
- April 7 NLC advises BHP that Jawoyn Association has instructed NLC to act on its behalf with respect to Coronation Hill.
- May 27 BHP project team hires three more Jawoyn workers.
- June 1 BHP officers appear before Senate Committee hearing.
- June 3-4 Jawoyn group with BHP and Authority officers inspects further proposed development works. Meeting agrees to proposals.
- June 5 Authority authorises further works.
- June 12 Kakadu National Park Stage III proclaimed; Kakadu Conservation Zone proclaimed (re-proclaimed June 30). Gimbat and Goodparla Stations thereby become unalienated Crown land.
- June 26 NLC lodges land claim over Gimbat and Goodparla.
- August 18 Jawoyn group observe demonstration blasting at Coronation Hill with BHP, NLC and Authority officers. Meeting agrees to limited use of explosives.
- August 27 Sites Authority authorises limited use of explosives.
- September NLC and Authority ask Government to delay finalising boundaries and allocating exploration rights in Conservation Zone until Aboriginal concerns fully documented. Ellis distributes Cooper's Traditional Concerns report.
- September 21 BHP project team hires two more Jawoyn workers.



- September 24 Ministerial meeting delays Conservation Zone decision pending consultation with Aborigines.
- October 8 Minister for Aboriginal Affairs asks NLC to consult Aboriginal people regarding Conservation Zone.
- October 23 Jawoyn Working Party formed.
- November 5 BHP and NLC officers meet to inspect project and discuss heads of agreement for mining.
- November 6 Jawoyn Working Party meeting at Barunga instructs NLC to oppose mining at Coronation Hill.
- November 26 NLC suspends further discussion of Coronation Hill project until Government policy finalised.
- December 1 Gimbat pastoral lease compulsorily acquired for national park.

## 1988

- April 19 Ministers accept NLC arguments for further delay on Conservation Zone boundaries to allow further Aboriginal consultation.
- May Sites Authority publicly distributes 'Bulajang: Sickness Country' video.
- July 3 Josif Report on social and cultural effects of Coronation Hill and Conservation Zone upon Aboriginal people released to Government.
- July 15 End of drilling to explore and assess mineral reserve. No further development work at Coronation Hill.
- November 2 Jawoyn delegation with NLC officers visits Canberra, tells Prime Minister they are opposed to Coronation Hill project.
- November Senate Committee report, The Potential of the Kakadu National Park Region, published. Majority report emphasises evidence suggesting Coronation Hill sacred, minority report denies sacredness. El Sherana Exploration Programme Public Environment Report submitted for public review.
- December 23 Exploration authority issued for drilling at El Sherana, exploration authority extended for Coronation Hill.

## 1989

- February 28 Sites Authority consultation at Katherine Low Level Reserve to consider BHP bench widening proposal for Coronation Hill. Jawoyn group reaches no decision.
- April 5 Three senior Jawoyn custodians meet with three Sites Authority members, reject bench widening proposal, request registration of Sickness Country as a sacred site.

- September 13 NLC requests protection of Sickness Country under s.10 of Aboriginal and Torres Strait Islander Heritage Protection Act.
- October 5 Government decides to reduce Kakadu Conservation Zone, obtain report under s.10(4) of Heritage Protection Act, and ask Resource Assessment Commission for assessment of environment and mining in reduced Zone.
- November 22 Reduced Kakadu Conservation Zone proclaimed; balance of area of first Conservation Zone incorporated into Kakadu National Park.

## **1990**

- February 13 Minister for Aboriginal Affairs appoints Mr Justice Stewart to prepare report under s.10(4) of Heritage Protection Act with respect to reduced Conservation Zone.
- April 26 Prime Minister issues terms of reference for Resource Assessment Commission's inquiry into the use of the resources of the Kakadu Conservation Zone.
- June 30-July 6 RAC Inquiry visits Kakadu National Park and meets interested parties, meets large Aboriginal group at Eva Valley.
- November 20 RAC Inquiry meets large Jawoyn group at Gunlom.
- November 21 RAC Inquiry meets BHP Aboriginal employees at El Sherana.

## **1991**

- February RAC publishes Kakadu Conservation Zone Inquiry Draft Report.
- March 6 RAC Inquiry meets Jatbula, Barraway, Brown, Bennett, two senior non-Jawoyn men and two NLC officers at Barunga.
- May 2 RAC submits Final Report to Prime Minister.
- June 18 Prime Minister announces Conservation Zone to be incorporated into Kakadu National Park, Coronation Hill project disallowed.

- 1992** August Jawoyn (Gimbat Area) Land Claim book and site registers published.

- 1995** June 28 Aboriginal Land Commissioner recommends grant of land claimed in Gimbat Area Land Claim.

- 1996** January 31 Title to Gimbat area handed to Gunlom Land Trust.



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